

HEALTH AND SANITATION AND ANIMAL REGULATIONS

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HEALTH OFFICER

Title 3

HEALTH, SANITATION AND ANIMAL REGULATIONS

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HEALTH OFFICER

Sections:

- 31.011 Health Officer - Appointment and Duties.
- 31.012 Authorized Representative of the Health Officer.
- 31.013 Preparation and Promulgation of Rules and Regulations.
- 31.014 Interference with Health Officer.

31.011 Health Officer -- Appointment and Duties.

Pursuant to Section 451 of the Health and Safety Code, the Health Officer of the County of San Bernardino shall be appointed by the Board of Supervisors. It shall be the duty of the Health Officer of the County of San Bernardino, or his authorized representative, to enforce in the County of San Bernardino, outside of incorporated cities, the terms of the Health Code for the County of San Bernardino.

Adopted Ordinance #527 (1958); Amended Ordinance #1805 (1973); Amended Ordinance #1843 (1973); Amended Ordinance #2606 (1981);

31.012 Authorized Representative of the Health Officer.

(a) **POWERS.** For the purposes of enforcement within the provisions of this division of the San Bernardino County Code, whenever the words "health officer" appear, they shall be deemed to mean and include the Health Officer of the County of San Bernardino, or any duly appointed and authorized representative of the Health Officer.

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(b) ARRESTS. The Health Officer and every Communicable Disease Investigator of Tuberculosis of the Health Department of the County of San Bernardino, who has the duty to enforce a statute or ordinance relating to communicable diseases of tuberculosis, may arrest a person for violation of such statute or ordinance as provided in Section 836.5 of the Penal Code. The authority conferred by this section shall not make such officers safety members of the County Retirement System.

Adopted Ordinance #527 (1958); Amended Ordinance #1753 (1972); Amended Ordinance #1843 (1973);

31.013 Preparation and Promulgation of Rules and Regulations.

The Health Officer shall prepare and promulgate rules and regulations for the purpose of control and regulation of the various places and businesses subject to the provisions of this Code, and for the information and guidance of the owners, operators and employees of such places and businesses. Such rules and regulations shall include and be in accord with the provisions of this Code and all other applicable ordinances, statutes and recognized public health and safety practices.

Adopted Ordinance #527 (1958);

31.014 Interference with Health Officer.

No person shall resist or attempt to resist the entrance of the Health Officer into any railway car, stage, vehicle, building, room, lot or other place in the County of San Bernardino in the performance of his duty or shall refuse to obey any lawful order of the Health Officer made in the performance of his duties within the power conferred upon him by law or by this Code.

Adopted Ordinance #527 (1958);

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Chapter 2

NUISANCES

Sections:

- 31.021 Penalty.
- 31.022 Dead Animals.
- 31.023 Repealed by Ordinance 3105.
- 31.024 Domestic Animals.
- 31.025 Repealed by Ordinance 3105.
- 31.026 Repealed by Ordinance 3105.
- 31.027 Repealed by Ordinance 3105.
- 31.028 Repealed by Ordinance 3105.
- 31.029 Repealed by Ordinance 3105.
- 31.0210 Repealed by Ordinance 3105.
- 31.0211 Repealed by Ordinance 3105.
- 31.0212 Repealed by Ordinance 3105.
- 31.0213 Repealed by Ordinance 3105.
- 31.0214 Repealed by Ordinance 3105.
- 31.0215 Smoking in Public Places and Places of Employment.

31.021 Penalty.

Whenever a public nuisance shall be ascertained to exist on any premises, or in any house or other place, the Health Officer shall notify in writing any person or persons owning or having control of, or acting as agent for, such premises, house or other place, to abate or remove such nuisance within a reasonable time, to be stated in such notice.

Upon the neglect or refusal of any owner, occupant, or agent, or other person having control of such house or other place, to comply with such notice, such owner, occupant or agent, or other person having control shall be guilty of an infraction and each day or portion thereof such violation is in existence shall be a new and separate offense. Upon conviction, the penalty for such offense shall be a fine not exceeding fifty dollars (\$50) for a first violation, a fine not exceeding one hundred dollars (\$100) for a second violation within one year, and a fine not exceeding two hundred and fifty dollars (\$250) for a third violation within one year. The fourth and additional violations within one year shall each constitute a misdemeanor and shall be punishable by a fine of five hundred dollars (\$500.00) or six months in jail, or both. Payment of any penalty herein provided shall not relieve the defendant from the responsibility of correcting the condition of the violation. The Health Officer or the Director of Environmental Health Services may abate the nuisance; and the owner, agent or occupant or other person having control of such house or place, in addition to the penalties provided by this Code, shall be liable to the County of San Bernardino for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction. If no person can be found upon whom to serve such notice, the Health Officer shall proceed to abate such nuisance at the expense of the County, at a cost of not to exceed twenty-five dollars (\$25) per day.

Adopted Ordinance #527 (1958); Amended Ordinance #2771 (1983);

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31.022 Dead Animals.

No person shall dispose of the carcass of any dead animal in such a manner, or leave any such carcass in such a place, as to create a public or private nuisance.

Adopted Ordinance #527 (1958);

31.023 Repealed by Ordinance 3105 (1986).

31.024 Domestic Animals.

No person shall keep any animal, fowl, or bird, wild or domestic, other than cats, dogs, canaries or birds of the psittacinae family, within seventy (70) feet of any school, church, hospital, public place or business, or any residence or dwelling house or other building used for the habitation of human beings, other than his own personal and private dwelling or residence. No such animal or fowl shall be kept or maintained in any yard, coop, or building which is in a foul or unsanitary condition. The provisions of this section shall not apply to accredited laboratories regulated by the State Department of Public Health.

No person shall keep, maintain, or allow to continue upon the premises in his control or belonging to him any condition resulting in the breeding of flies, mosquitoes, gnats, or other insects or rodents.

Adopted Ordinance E1353 (1967) Amended Ordinance #2018 (1975) Amended Ordinance 2586 (1981)

Section 31.025 Repealed by Ordinance 3105 (1986).

Section 31.026 Repealed by Ordinance 3105 (1986).

Section 31.027 Repealed by Ordinance 3105 (1986).

Section 31.028 Repealed by Ordinance 3105 (1986).

Section 31.029 Repealed by Ordinance 3105 (1986).

Section 31.0210 Repealed by Ordinance 3105 (1986).

Section 31.0211 Repealed by Ordinance 3105 (1986).

Section 31.0212 Repealed by Ordinance 3105 (1986).

Section 31.0213 Repealed by Ordinance 3105 (1986).

Section 31.0214 Repealed by Ordinance 3105 (1986).

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31. 0215 Smoking in Public Places and Places of Employment.

(a) PURPOSE AND FINDINGS. The Board of Supervisors of the County of San Bernardino hereby finds and declares:

(1) Scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas, and kidneys; and

(2) The use of cigars is known to cause lung, larynx, esophageal, and oral cancer; and

(3) More than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable illness; and

(4) The World Health Organization (WHO) estimates that by 2030, tobacco will account for 10 million deaths per year, making it the greatest cause of death worldwide; and

(5) The United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen; and

(6) Exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year, including 3,000 deaths from lung cancer; and

(7) Between 4,200 and 7,440 nonsmokers die of ischemic heart disease from secondhand smoke each year in California; and

(8) Secondhand smoke exposure adversely affects fetal growth with elevated risk of low birth weight, and increased risk of Sudden Infant Death Syndrome (SIDS) in infants of mothers who smoke; and

(9) Secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute chronic middle ear infection in children; and

(10) The total cost of smoking in California was estimated to be \$475 per resident or \$3,331 per smoker per year, for a total of nearly \$15.8 billion in smoking-related costs in 1999 alone; and

(11) Smoking-related health care costs in California in 1999 totaled \$8.6 billion, an estimated 43% of which is paid for by public sources; and

(12) Almost 90% of adult smokers started smoking at or before age 18; and

(13) It is estimated that 5.9% of youth in California smoke; and

(14) State law acknowledges the harms of secondhand smoke by prohibiting the sale or furnishing of cigarettes, tobacco products and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors; and

(15) With certain exceptions, state law prohibits smoking inside an enclosed place of employment; and

(16) State law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees; and

(17) State law prohibits smoking in playgrounds and tot lots and within twenty feet of the main entrances and exits of public buildings while expressly authorizing local communities to enact additional restrictions; and

(18) It is the intent of the County Board of Supervisors in enacting the ordinance that amends this section, to provide for the public health, safety, and welfare by

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discouraging the inherently dangerous behavior of tobacco use around non-tobacco users; by protecting children from exposure to smoking and tobacco while they play; by reducing the potential for children to associate smoking and tobacco with a healthy lifestyle; by protecting the public from smoking and tobacco-related litter and pollution; and by affirming and promoting the family atmosphere of the County's public places.

(b) DEFINITIONS. For the purposes of this Section, the following definitions shall govern unless the context clearly requires otherwise:

(1) "Business" means an employer, trust, firm, joint stock company, corporation, partnership, or association and also includes a business organized for profit and a nonprofit business, but does not include a sole proprietor.

(2) "County Building" means a building owned and occupied (in whole or in part) by the County, but only that portion of a building leased and occupied by the County.

(3) "Employee" means any person who is hired by an Employer in consideration for direct or indirect monetary wages or profit; or any person who volunteers his or her services for an Employer.

(4) "Employer" means any person, partnership, corporation, association, nonprofit, volunteer or similar entity, including a municipal corporation or public entity, that employs or retains the service of one or more persons, or supervises volunteers.

(5) "Enclosed" means closed in by a full or partial roof and full or partial walls where a wall is any structure that impedes the free flow of outside air and may include a number of windows and doors.

(6) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to hospitals, medical research and treatment sites, long-term health care facilities as defined in California Health and Safety Code section 1418, clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialists within these professions.

(7) "Place of Employment" means any enclosed place, and the premises appurtenant thereto, where employment is carried on.

(8) "Self Service Display" means the open display of Tobacco Products or Tobacco Paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.

(9) "Smoking" means inhaling into the mouth or lungs the smoke from, or the possession of, a lighted pipe, lighted cigar, lighted cigarette of any kind, or any other lighted smoking equipment or the lighting of a pipe, cigar, cigarette of any kind, or smoking equipment, including, but not limited to, tobacco, or any other plant.

(10) "Sports Complex" means any sport pavilion, arena, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or similar place specifically designed to be used for physical exercise or athletic competition.

(11) "Sports Complex Seating Area" means any spectator seating area, including outdoor athletic recreation bleachers or similar area used for the viewing of sports and athletic competition.

(12) "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of Tobacco Products.

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(13) "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco.

(14) "Vending Machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, or credit card that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

(15) "Vendor Assisted Sales" means sales in which only a store or tobacco retailer Employee has access to the Tobacco Product and supplies the customer the Tobacco Product in such way that the customer does not take possession of the Tobacco Product until it is purchased.

(c) PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT, AND CERTAIN OTHER AREAS.

(1) Enclosed Places. Smoking shall be prohibited in the following Enclosed places within the County of San Bernardino, except in places listed in subsection (c)(4) below, and except in such places in which Smoking is already prohibited by state or federal law in which case the state or federal law applies:

(A) Places of Employment, including Health Care Facilities;

(B) All means of public transit under the authority of the County, while within the boundaries of the County,

(2) Unenclosed Places. Smoking shall be prohibited in the following unenclosed places within the County of San Bernardino, except in such places in which Smoking is already prohibited by state or federal law in which case the state or federal law applies:

(A) Within twenty (20) feet of a main entrance, exit, operable windows or ventilation ducts of a County Building or in a passenger vehicle owned or leased by the County;

(B) Sports Complex Seating Areas;

(C) Ticket, boarding and waiting areas of public transit depots under the authority of the County.

(3) No person shall dispose of Tobacco Product waste (including ashes) within the boundaries of an area in which Smoking is prohibited, including inside the perimeter of any entranceway, doorway, operable window or ventilation duct where Smoking is prohibited.

(4) Unless otherwise prohibited by law, Smoking is permitted in the following Enclosed places:

(A) Private residential units, except those meeting the definition of Enclosed in this section when serving as a licensed child care facility, a licensed home for the aging or a licensed home for the chronically ill;

(B) Up to twenty-five percent (25%) of hotel and motel guest rooms, if the hotel or motel permanently designates particular guest rooms as non-Smoking rooms such that seventy-five (75%) or more of its guest rooms are non-Smoking and ashtrays and matches are permanently removed from such non-Smoking rooms;

(C) Retail stores that deal exclusively in the sale of Tobacco Products and Tobacco Paraphernalia and in which minors are never permitted to enter; and

(D) County Buildings that are used as residences by out-stationed County employees.

(d) DUTY OF EMPLOYER OR BUSINESS.

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(1) It shall be unlawful for any Employer or Business to fail to comply with the applicable provisions of this section.

(2) No Employer or Business owner shall knowingly permit Smoking in an area which is under the legal or de facto control of the Employer or business owner and in which Smoking is prohibited by law and the Employer and business owner is not otherwise compelled to act under state or federal law.

(3) No Employer or Business owner shall knowingly or intentionally permit the presence or placement of Tobacco Product waste or ash receptacles, such as, for example, ash trays or ash cans, within an area which is under the legal or de facto control of the Employer or business owner and in which Smoking is prohibited.

(4) Notwithstanding any other provision of this section, any Employer or business owner who controls any property, establishment, or Place of Employment regulated by this section may declare any part of such area in which smoking would otherwise be permitted to be a non-Smoking area.

(5) No Employer or prospective Employer shall discharge, refuse to hire, or in any manner retaliate against any Employee or applicant for employment because such Employee or applicant for employment exercises any rights afforded by this section.

(6) "No Smoking" or "Smoke Free" signs, with letters of no less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every Enclosed and Unenclosed place in which Smoking is prohibited by this section, by the person, Employer or Business that has legal or de facto control of such place. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this section.

(e) VENDOR ASSISTED SALES.

(1) Except for retail stores that deal exclusively in the sale of Tobacco Products and Tobacco Paraphernalia and in which minors are never permitted to enter, it shall be unlawful for any person or Business to sell, dispense, permit to be sold or offer for sale any Tobacco Product by means other than Vendor Assisted Sales, including the selling, offering for sale, dispensing and displaying of any Tobacco Product by Self Service Displays.

(2) Self Service Displays prohibited by this section in place as of the date the ordinance adopting this section is approved shall be removed not later than one year after the effective date of this ordinance.

(3) It shall be unlawful for any person, business, or tobacco retailer to locate, install, keep, maintain, use or permit the location, installation, keeping, maintenance or use of a Vending Machine for the purpose of selling or distributing any Tobacco Product or Tobacco Paraphernalia.

(f) PENALTIES AND ENFORCEMENT.

(1) Violations of this section shall be prosecuted as infractions and shall be punished by a fine of not exceeding one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation occurring within one year, and five hundred dollars (\$500) for a third or subsequent violation occurring within one year.

(2) A violation of any of the provisions of this section shall constitute a public nuisance and may be abated by the County or by an affected Employee or resident of the County through civil processes by means of a restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisance.

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(3) Enforcement of this section shall be the responsibility of the County Health Officer or his designees. Any peace officer or code enforcement official also may enforce this section.

(4) Any person who desires to register a complaint hereunder may initiate enforcement consideration with the County Health Officer or his designee.

(g) **OTHER APPLICABLE LAWS OR REGULATIONS.**

This section shall not be interpreted or construed to permit Smoking where it is otherwise restricted by other applicable law or regulations of property owners, managers or Employers.

Adopted Ordinance #527 (1942); Amended Ordinance 810 (1956); Amended Ordinance #845 (1957); Amended Ordinance #1353 (1967); Amended Ordinance #1686 (1971); Amended Ordinance 1701 (1972); Amended Ordinance #1879 (1973); Amended Ordinance #1989 (1975); Amended Ordinance #2018 (1975); Amended Ordinance #2771 (1983); Amended Ordinance #3105 (1986); Amended Ordinance 3128 (1987); Amended Ordinance 3932 (2004);

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Chapter 3. Repealed by Ordinance 3105 (1986).

Chapter 4. Repealed by Ordinance 3105 (1986).

Chapter 5. Repealed by Ordinance 3105 (1986).

HEARING PROCEDURE

Chapter 6

HEARING PROCEDURE

Sections:

- 31.061 Applicability of this Hearing Procedure.
- 31.062 Hearing Officer.
- 31.063 Notice.
- 31.064 Hearing Procedures.
- 31.065 The Hearing Officer's Determination.

31.061 Applicability of this Hearing Procedure.

Notwithstanding any other provision of this County Code, the following administrative hearing procedure shall be applied for any hearing pertaining to the denial, suspension, revocation, or denial of reissuance of any license, permit, certificate or entitlement when such action and an appeal hearing is required in any of the provisions of Title 3 of this Code, except when a hearing before the Board of Supervisors is otherwise provided. This procedure is applicable to an appeal from any of the above-mentioned actions. Such an appeal shall be made in writing to the Director within ten (10) working days of the denial, suspension, revocation, or denial of reissuance and shall contain the address to which the notice of hearing shall be sent, in order for the appeal to be valid.

Adopted Ordinance #2646 (1982); Amended Ordinance #2892 (1984);

31.062 Hearing Officer.

The hearing officer for hearings pursuant to this chapter shall be the Director of the Department of Environmental Health Services or his appointee for such purpose. Any such appointee shall be a person who has no knowledge of the facts of the particular case at the outset of the hearing, and a person not immediately involved with regulation of the particular code provisions concerned.

Adopted Ordinance #2646 (1982);

31.063 Notice.

At least ten (10) days written notice of the hearing shall be given to the holder of the right prior to the hearing date. The hearing date may be postponed or continued by stipulation of the parties. If the party notified does not respond or appear, no further hearing procedure shall be required.

Adopted Ordinance #2646 (1982);

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31.064 Hearing Procedures.

Witnesses shall swear or affirm to tell the truth. The oath or affirmation shall be taken by the hearing officer.

The enforcing officer shall present his case first, with oral testimony and documentary evidence or other exhibits. The responding party shall have the right to be represented by counsel, and shall have the right of cross-examination.

The responding party may present its response after the enforcing officer has presented his case. The enforcing officer shall have the right of cross-examination.

After both sides have completed presenting evidence, the enforcing officer may comment on the evidence and argue.

After the enforcing officer has commented on the evidence and/or argued, the responding party may do the same.

Adopted Ordinance #2646 (1982);

31.065 The Hearing Officer's Determination.

No determination or order shall be based solely on the basis of hearsay evidence.

The Hearing Officer shall make his determination within five (5) working days of the end of the hearing, unless the responding party stipulates to a greater period of time. The determination shall be in writing, and shall state the findings upon which the determination is made. Final determination is the responsibility of the Director, and shall be made in writing within five (5) working days of the Hearing Officer's report. There shall be no further non-court proceedings or appeal, unless specifically so provided elsewhere in this code.

Adopted Ordinance 2646 (1982);

EMERGENCY MEDICAL SERVICE (EMS) AIRCRAFT

Chapter 7

EMERGENCY MEDICAL SERVICE (EMS) AIRCRAFT

Sections:

- 31.071 Definitions.
- 31.072 Permits.
- 31.073 Permit Fees.
- 31.074 Application for a Permit or Renewal of a Permit.
- 31.075 Investigation by Health Officer.
- 31.076 Issuance or Denial of Permit.
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- 31.078 Amendment of Permits.
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- 31.0710 Suspension and Revocation of Permits.
- 31.0711 Suspension, Conditional Operation, and Temporary Variance.
- 31.0712 Appeal Procedure.
- 31.0713 Service Requirements.
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- 31.0715 Standards of Operation of an Emergency Medical Aircraft Service.
- 31.0716 Standards for Dispatch.
- 31.0717 EMS Aircraft Safety and Emergency Equipment Requirements.
- 31.0718 EMS Aircraft.
- 31.0719 Continuation of Call.
- 31.0720 Emergency and Disaster Operations.
- 31.0721 Mutual Aid Requirements.
- 31.0722 User Complaint Procedures.
- 31.0723 Enforcement Responsibilities.

31.071 Definitions.

Unless otherwise stated, words and terms are defined as follows:

(a) **Advanced Life Support (ALS).** Any definitive prehospital emergency medical care role approved by the local (EMS) Agency, in accordance with state regulations, which includes but is not limited to all of the specialized care services listed in §1797.52 of the Health and Safety Code of the State of California.

(b) **Advanced Life Support (ALS) Rescue Aircraft.** A rescue aircraft whose medical flight crew has at a minimum two (2) medical attendants on the aircraft, one of which will be ALS qualified; the other to be at least EMT-A qualified.

(c) **Air Ambulance.** Any aircraft specially constructed, modified or equipped, or used for the primary purposes of responding to emergency calls and transporting critically ill or injured patients whose medical flight crew has a minimum of two (2) ALS certified attendants.

(d) **Air Ambulance or Air Rescue Service Provider.** The individual or group that owns and/or operates an Air Ambulance or Air Rescue Service. It is not permissible for a provider in these categories to respond to the scene and utilize prehospital personnel on the scene in order to fulfill required staffing patterns.

(e) **Air Ambulance Service.** An air transportation service that utilizes air ambulances and provides continuous twenty-four (24) hours-per-day service.

(f) **Authorizing Emergency Medical Services (EMS) Agency.** The local EMS Agency which approves utilization of specific EMS aircraft within its jurisdiction.

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(g) **Auxiliary Rescue Aircraft.** A rescue aircraft which does not have a medical flight crew, or whose medical flight crew do not meet the minimum requirements established in §100283 of Title 22, Administrative Code of the State of California.

(h) **Basic Life Support (BLS).** Those procedures and skills contained in the EMT-I scope of practice as listed in §100063, Title 22, California Administrative Code.

(i) **Basic Life Support (BLS) Rescue Aircraft.** A rescue aircraft whose medical flight crew has at a minimum one (1) attendant certified as an EMT-IA, or an EMT-INA with at least eight (8) hours of hospital clinical training and whose field/clinical experience specified in §100074(c) of Title 22, California Administrative Code, is in the aeromedical transport of patients.

(j) **Board.** The Board of Supervisors of San Bernardino County.

(k) **Classifying EMS Agency.** The agency which categorized the EMS aircraft in accordance with §100.300(3)(e). This shall be the local EMS agency in the jurisdiction of origin except for aircraft operated by the California Highway Patrol, the California Department of Forestry or the California National Guard which shall be classified by the EMS Authority.

(l) **Department.** The Public Health Department of San Bernardino County.

(m) **Emergency Medical Services (EMS) Aircraft.** Any aircraft utilized for the purpose of prehospital emergency patient response and interfacility transport. EMS Aircraft includes air ambulances, ALS rescue aircraft, BLS rescue aircraft and auxiliary rescue aircraft.

(n) **Federal Aviation Administration (FAA).** The branch of Federal government that regulates the operation of aircraft.

(o) **Patient.** A sick, injured, wounded, invalid, expectant mother, convalescent, or otherwise incapacitated person.

(p) **Permittees.** Any EMS aircraft possessing a current permit granted by the Board to provide air ambulance service within the County.

(q) **Person.** Any individual, firm, corporation, partnership, association, agency, or group or combination acting as a unit.

Adopted Ordinance #3333 (1989);

31.072 Permits.

(a) **REQUIRED.** It shall be unlawful for any person, either as owner, agency or otherwise, to operate, conduct, advertise or engage in or profess to be engaged in the business or service of the transportation of patients by aircraft within the County, except in conformance with a valid permit to do so issued by the Department.

(b) **EXCEPTIONS.**

(1) Aircraft operated as air ambulances at the request of local authorities during any "state of war emergency," duly proclaimed "state of emergency" or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended.

(2) Military Aircraft.

(3) Fixed wing aircraft utilized to transport patients to destinations in other counties or states.

(4) EMS aircraft based in neighboring counties, and the States of Arizona and Nevada, may provide emergency services within such adjacent border areas as may be designated by the County Health Officer subject to the following requirements that:

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(A) The County Health Officer determines that the area to be serviced by such out-of-county EMS aircraft lacks adequate coverage by County-permitted EMS aircraft;

(B) Out-of-county EMS aircraft conform with the regulatory requirements for EMS aircraft of the jurisdiction out of which they operate;

(C) The operator of the out-of-county EMS aircraft enter into an agreement with the County, which describes the area to be serviced.

Adopted Ordinance #3333 (1989); Amended Ordinance #3373 (1990);

31.073 Permit Fees.

Permit fees shall be those specified in Title 1, Division 6, Chapter 2, Section 16.0213A of the San Bernardino County Code.

All permits shall be issued to expire on June 30 of each year, and the annual fee therefore may be prorated on a quarterly basis for the first year. Permit fees may be waived by the Board of Supervisors if public need and necessity require it.

Adopted Ordinance #3333 (1989);

31.074 Application for a Permit or Renewal of a Permit.

PROCEDURE AND INFORMATION REQUIRED. In order for the Department to issue a new or renew an existing permit, the applicant shall first file with the department an application in writing on a form to be furnished by the Department, which shall provide the following minimum information:

- (a) Name and description of applicant;
- (b) Business address and residence address of record of the applicant;
- (c) Trade or firm name, or DBA as recorded;
- (d) If a corporation, a joint venture or a partnership or limited partnership, the names of all partners, or the names of corporate officers, their permanent addresses and their percentage of participation in the business;
- (e) A statement of facts for new applicants showing the past experience of the applicant in the operation of an air ambulance service and at what level, and that the applicant is qualified to render efficient 24-hour air ambulance service;
- (f) A photocopy of the Part 135 Certificate issued by the FAA;
- (g) The level or levels of service which applicant proposes to provide, and the aircraft classification as determined by the classifying EMS Agency;
- (h) A statement in initial and renewal applications that the applicant owns or will have under his/her control required equipment to adequately conduct an air ambulance service which meet the requirements established by the local EMS Agency, and that the applicant owns or has access to suitable and safe facilities for maintaining his/her EMS aircraft in a clean, sanitary and mechanically sound condition;
- (i) A list for initial and renewal applications amended as required during the year for any changed, substituted, loaned, or leased EMS aircraft, giving a complete description of each EMS aircraft operated by the applicant, including the patient capacity thereof, and a photocopy of the aircraft registration;
- (j) An affirmation for initial and renewal applications that each permitted EMS aircraft and its appurtenances conform to all applicable provisions of this chapter, and any other applicable state or local directives;

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(k) A statement for renewal applications that the applicant employs sufficient medical personnel adequately trained and available to deliver services of the level specified. When an initial application is submitted, a statement that the applicant will employ sufficient medical personnel adequately trained and available to deliver EMS aircraft services at all times;

(l) A list amended as required during the year for any medical personnel changes, giving a description of the level of training and a copy of each certificate or license issued by the federal, state, county, or local EMS Agency establishing qualifications of such personnel in EMS aircraft operations. An initial applicant shall submit a list of medical personnel and their qualifications prior to attaining operational status;

(m) A proposed schedule of any rates to be charged by the permittee for EMS aircraft services;

(n) A statement in the initial application that shows to the satisfaction of the Department that the issuance of a permit is in the public interest and that there is a need for a permit to be issued, in that there is a requirement for EMS aircraft service that can be legally serviced by the applicant;

(o) A statement signed by the applicant that as a condition of the County's issuing a permit, applicant agrees to appear and defend all actions against the County arising out of the exercise of said permit, and shall indemnify, defend, and save the County, its officers, volunteers, employees and agents harmless from all claims, demands, actions, or causes of actions of every kind and description resulting directly or indirectly and arising out of, or in any way connected with exercise of this permit;

(p) A statement to the fact that the applicant is in total compliance with all air ambulance service regulations of the local EMS agency; and

(q) Such other facts or information as the Department may require.

Adopted Ordinance #3333 (1989);

31.075 Investigation by Health Officer.

Upon receipt of a new application, the Health Officer shall conduct an investigation to determine if the public health, safety, welfare, convenience, and necessity require the granting of an original or additional permit and shall further determine if the applicant meets all requirements of this chapter. Upon completion of his investigation and within forty-five (45) days, the Health Officer shall issue a report, present a copy to the applicant, and request that a meeting of the Emergency Medical Care Committee (EMCC) be called within fourteen (14) days to consider that report and other testimony. After due deliberation the EMCC shall make its recommendation to the Health Officer. Within fourteen (14) days, the Health Officer shall advise the Board that a permit be granted or denied for the operating area. No permit shall be issued by the Health Officer until the Board of Supervisors has determined that the public health, safety, welfare, convenience, and necessity require the granting of such permit.

Adopted Ordinance #3333 (1989);

31.076 Issuance or Denial of Permit.

(a) The Board of Supervisors may order the issuance of a permit to conduct an EMS aircraft service upon finding that the applicant has demonstrated that the public health, safety, welfare, convenience, and necessity require the availability of such EMS aircraft service and that the applicant meets all requirements of this chapter.

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(b) The Board of Supervisors may order the denial or revocation of a permit if the applicant or any partner, officer, or director thereof:

(1) Was previously the holder of a permit issued under the ordinance which permit has been revoked or not reissued and the terms or conditions of the suspension have not been fulfilled or corrected;

(2) Is committing any act, which, if committed by any permittee, would be grounds for the suspension or revocation of a permit issued pursuant to this chapter;

(3) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or where the applicant has benefited;

(4) Has acted in the capacity of a permitted person or firm under this chapter without having a permit therefore;

(5) Has entered a plea of guilty to, or been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction suspending the imposition of sentence, or of a subsequent order under the provisions of §1203.4 of the Penal Code of the State of California allowing such person to withdraw his plea of guilt and to enter a plea of not guilty, or dismissing the accusation of information.

(c) **LIABILITY INSURANCE.**

(1) The permittee shall obtain and keep in force during the term of said permit comprehensive general liability insurance issued by a company authorized to do business in the State of California, insuring the owner, and also naming the County and the local EMS Agency as an additional insured of such aircraft against loss by reason of injury or damage that may result to persons or property. Said policy shall be in a sum determined annually by County Risk Management for personal injury to or death of any one person in any single accident; or destruction of property in any one accident. Workers Compensation insurance shall be carried covering all employees of the permit holder. Before the Health Officer shall issue a permit, certified copies of the policies and certificates evidencing such policies shall be filed with the Department. All policies shall contain a provision requiring a thirty (30) day notice be given to the Department prior to cancellation, modification, or reduction in limits. All policies shall be primary and noncontributory with any insurance held by the County.

(2) Public providers shall show evidence of liability protection in the form of copies of insurance policies, official action of their governing body or other legal documents evidencing a self-insured program.

Adopted Ordinance #3333 (1989);

31.077 Content of Permit.

The permit shall specify the dates of issuance and of expiration, the operating area(s) of the County within which the permittee may provide EMS aircraft service, the number of EMS aircraft to be used by the permittee, the level or levels of service to be provided and any special conditions regarding communication, equipment, personnel, or waiver of requirements deemed appropriate by the Health Officer.

Adopted Ordinance #3333 (1989);

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31.078 Amendment of Permits.

Upon request by the permittee, the Health Officer may amend the conditions specified in a permit if he finds such changes in substantial compliance with the provisions of this chapter. Such amendment shall not affect the expiration date of the existing permit, nor shall it authorize a change in ownership from that specified in the original permit.

Adopted Ordinance #3333 (1989);

31.079 Renewal of Permits.

Permits shall be renewed annually by the Health Officer upon application of the permittee if the permittee proposes no substantial change in the content of the permit, and if the Health Officer determines that the permittee has during the period of the expiring permit operated in conformity with the provisions of this chapter and the rules and regulations of the Department, and that he/she is capable of continuing operation in conformity with the rules and regulations of the Department.

Adopted Ordinance #3333 (1989);

31.0710 Suspension and Revocation of Permits.

The Health Officer, after conducting a hearing pursuant to §§31.061-31.065, shall be empowered to suspend or revoke the permit issued under the provisions of this chapter to operate an EMS aircraft service when it has been found after investigation that the permittee or any partner, officer, or director:

- (a) Violates any section of this chapter or the EMS Plan, or any rules or regulations that are promulgated by the Department or the local EMS Agency which relate to his or her permit activities;
- (b) Is convicted of any felony;
- (c) Is convicted of any misdemeanor involving moral turpitude;
- (d) Is convicted of any offense relating to the use, sale, possession, or transportation or narcotics or habit-forming drugs;
- (e) Commits any act involving dishonesty, fraud, or deceit whereby another is injured, or whereby the permittee has benefited;
- (f) Has misrepresented a material fact in obtaining a permit, or is no longer adhering to the conditions specified in his or her permit;
- (g) Aids or abets an unlicensed or uncertified person to evade the provisions of this chapter;
- (h) Fails to make and keep records showing his or her transactions as a permittee, or fails to have such records available for inspection by the Health Officer or his duly authorized representative for a period of not less than three (3) years after completion of any transaction to which the records refer, or refuses to comply with a written request of the Health Officer to make such records available for inspection;
- (i) Accepts an emergency call when unable to provide the requested service or fails to inform the person requesting such service of any delay and fails to obtain the consent of such person before causing an EMS aircraft to respond from a location with a longer estimated time of arrival than the one to which the request was directed;
- (j) Fails to pay required fees or penalties;

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(k) If any of the managers of an EMS aircraft service are found after hearing to have acted in the manner set forth in subsections (a), (b), (c), (d) or (e) hereof, the EMS aircraft service shall not have its permit suspended or revoked unless it shall have failed, for more than fifteen (15) days after the completion of said hearing to have removed the manager or managers found to have so acted.

Adopted Ordinance #3333 (1989);

31.0711 Suspension, Conditional Operation, and Temporary Variance.

In the event of any interruption of service of more than twenty-four (24) hours duration, or any substantial change in the EMS aircraft service, which causes, or threatens to cause, the EMS aircraft service to be carried out different from that specified in the current permit, the permittee shall notify the Health Officer immediately by telephone and in writing within five (5) days stating the facts of such change.

Upon request by the permittee, the Health Officer may grant a temporary variance in writing from the conditions specified in the original permit if he finds that such change is in substantial compliance with the provisions of this chapter. If the Health Officer finds that such change is not in substantial compliance with this chapter, he may suspend, revoke or amend the permit by written notice. No permit shall be transferred to another person except upon prior approval of the Board after timely review and report thereon by the Health Officer.

Adopted Ordinance #3333 (1989);

31.0712 Appeal Procedure.

(a) If the renewal of a permit is denied by the Health Officer or if the Health Officer suspends or revokes a permit, the permittee shall be given written notice specifying the action taken, and the effective date thereof. Such notification shall be by registered or certified mail. The permittee shall, upon written request, be entitled to a hearing as provided in Title 3, Division 1, Chapter 6 of this Code (§§31.061-31.065). The permittee's request for a hearing shall be made within ten (10) days of receiving the notice of denial, revocation, or suspension. The permittee shall then be afforded a hearing prior to the effective date of denial, suspension, or revocation. When a permittee is, or becomes, unable to provide the required level of EMS aircraft service because of a lack of an EMS aircraft, insurance, or personnel to serve and such a lack or failure constitutes a substantial decrease in ability to provide the level of EMS aircraft service required by this chapter, then the suspension or revocation by the Health Officer shall be effective when notice of such is sent to the permittee. The hearing shall be held within seven (7) days of the suspension or revocation. The Health Officer may, after such hearing, affirm, modify, or set aside the original decision. The Health Officer shall notify all public safety agencies, county communications divisions, and all hospitals in the respective permit area if the permit renewal is denied or if a permit is suspended or revoked.

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(b) If the Health Officer denies the renewal of or suspends or revokes a permit, the permittee shall have the right to demand a hearing by the Board of Supervisors. A request for a hearing shall be made in writing to the Clerk of the Board within twenty (20) calendar days following the denial, suspension, or revocation of the permit. Upon receipt of a written request, the Clerk of the Board shall set the matter for hearing as soon as reasonably possible but not more than sixty (60) days following receipt of the written request and give notice to the appellant and the Health Officer of the date set for the hearing. The hearing shall be conducted in accordance with the provisions of the County Administrative Hearing Process.

The decision of the Board of Supervisors upon any such appeal shall be final unless within thirty (30) days of mailing of written notice of such decision the permittee shall have filed an action with the Superior Court under the provisions of California Code of Civil Procedure §1094.5 for review pursuant to administrative mandamus.

Pending any appellate procedure herein provided, no change shall occur unless the Health Officer shall, in his discretion, determine that an emergency situation exists requiring the substitution of another emergency services provider on an interim basis.

Adopted Ordinance #3333 (1989);

31.0713 Service Requirements.

Each air ambulance service shall maintain operational status on a continuous twenty-four (24) hours-per-day basis, excluding acts of nature, maintenance requirements, or labor disputes. If, for any reason, a permittee stops providing the prescribed level or levels of EMS aircraft service on a continuous twenty-four (24) hours-per-day basis, he or she shall immediately stop any advertisement of emergency services which have discontinued and immediately notify the Health Officer.

Adopted Ordinance #3333 (1989);

31.0714 Communications Requirements.

Each EMS aircraft service operating in the County shall establish and maintain radio contact with a central point designated by the County or the local EMS Agency and its local base of operation where technically feasible. Radio procedures prescribed by the County Communications Division shall be utilized.

Adopted Ordinance #3333 (1989);

31.0715 Standards of Operation of an Emergency Medical Aircraft Service.

Each EMS aircraft service shall operate in accordance with those standards and guidelines established by the local EMS Agency and the State of California Emergency Medical Service Authority.

Adopted Ordinance #3333 (1989);

31.0716 Standards for Dispatch.

EMS aircraft service shall operate in accordance with the policies established and approved by the local Emergency Medical Service Agency.

Adopted Ordinance #3333 (1989);

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31.0717 EMS Aircraft Safety and Emergency Equipment Requirements.

EMS aircraft shall be maintained at all times in good mechanical repair according to FAA regulations and in a clean and sanitary condition.

(a) **MINIMUM EQUIPMENT.** All EMS aircraft shall be equipped with all safety and emergency equipment required for EMS aircraft by the Federal Aviation Administration and the local EMS Agency as the same are now written, or hereafter amended.

(b) **MAINTENANCE OF EMERGENCY EQUIPMENT AND SUPPLIES.** Dressings, bandaging, instruments, and other medical supplies used for care and treatment of patients shall be protected so they are suitable for use from a medical standpoint.

Adopted Ordinance #3333 (1989);

31.0718 EMS Aircraft.

All EMS aircraft personnel shall comply with all federal, state, county and local EMS agencies, policies, guidelines and regulations.

This section shall not apply during any "state of emergency" or "local emergency" as defined in the Government Code of the State of California.

Adopted Ordinance #3333 (1989);

31.0719 Continuation of Call.

An EMS aircraft based and properly licensed by another county shall be authorized to transport a patient to or through the County but shall not be authorized to transport patients originating in the County, except under the conditions of § 31.072 of the San Bernardino County Code. In order to maintain proper medical support, communications shall be maintained in accordance with local EMS policies. EMS aircraft shall establish and maintain communications with and medical control from a base station in conformance with the rules of the local EMS Agency.

Adopted Ordinance #3333 (1989);

31.0720 Emergency and Disaster Operations.

During any "state of war emergency," "state of emergency," or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the California Government Code), as amended, each permitted EMS aircraft service shall within reason provide equipment, facilities, and personnel as requested by the County Health Officer.

Adopted Ordinance #3333 (1989);

31.0721 Mutual Aid Requirements.

Whenever the County Health Officer or his designee determines that EMS aircraft resources within the County are inadequate to respond to a County emergency/disaster, a request for EMS aircraft mutual aid may be made to any county health officer or his designee within any county of the state or adjoining states. Whenever the County Health Officer or his designee receives a request involving EMS aircraft mutual aid from any county health officer or his designee, such resources shall be provided as are available.

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Adopted Ordinance #3333 (1989);

31.0772 User Complaint Procedures.

Any user or subscriber to an EMS aircraft service contending that he or she has received unsatisfactory service may file a written complaint with the Department setting forth such allegations. The Department shall notify the EMS aircraft service of the details of such complaint, and shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the Department shall take reasonable and proper actions to secure compliance with the conditions of this chapter.

Adopted Ordinance #3333 (1989);

31.0723 Enforcement Responsibilities.

(a) The Department shall make all rules and regulations deemed necessary and reasonable, subject to the approval of the Board, covering EMS aircraft service operation, equipment, EMS aircraft, aircraft personnel and rates, and for the effective and reasonable administration of this chapter.

(b) The Department shall inspect the records, facilities, EMS aircraft, equipment, and methods of operation whenever such inspections are deemed necessary.

Adopted Ordinance #3333 (1989);

AMBULANCES

Chapter 8

AMBULANCES

Sections:

- 31.081 Definitions.
- 31.082 Permits.
- 31.083 Permit Fees.
- 31.084 Application for a Permit or Renewal of a Permit.
- 31.085 Investigation by Health Officer.
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- 31.0821 Continuation of Call.
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- 31.0823 Emergency and Disaster Operations.
- 31.0824 Mutual Aid Requirements.
- 31.0825 User Complaint Procedures.
- 31.0826 Enforcement Responsibilities.
- 31.0827 Specialized Transportation Services.

31.081 Definitions.

Unless otherwise stated, words and terms are defined as follows:

(a) **ADVANCED LIFE SUPPORT (ALS) OR LIMITED ADVANCED LIFE SUPPORT (LALS) AMBULANCE.** An ambulance which has the basic equipment set forth in Title 13 of the California Administrative Code as well as additional equipment and supplies as specified by the local EMS Agency.

(b) **AMBULANCE.** Any privately or publicly owned vehicle or boat specially designed, constructed, modified, equipped, arranged, maintained, and operated as well as specifically licensed by the California Highway Patrol for the sole purpose of transporting sick, injured, wounded, invalid, expectant mother, convalescent, or otherwise incapacitated persons.

(c) **AMBULANCE ATTENDANT.** A qualified person acting as an attendant on an ambulance that is transporting a patient and who occupies the patient compartment.

(d) **AMBULANCE SERVICE.** Any private or public corporation, partnership, association, individual, or agency that operates one or more ambulances.

(e) **BASIC LIFE SUPPORT (BLS) AMBULANCE.** An ambulance that has equipment and supplies as specified by Title 13, California Administrative Code.

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- (f) **BOARD.** The Board of Supervisors of San Bernardino County.
- (g) **CODE 3.** A term used to describe use of red warning lamps and siren as permitted by Vehicle Code §21055 if a vehicle is being used in such a situation where speed is essential to save a life, prevent undue suffering or to reduce or prevent disability.
- (h) **COMPETITIVE EXCLUSIVE OPERATING AREAS.** Refers to those areas (if any) under the County's Emergency Medical Services Plan where an ambulance provider has, by approved application to the County, been granted a renewable five (5) year term of exclusive operating area in a particular designated geographical locale.
- (i) **DEPARTMENT.** The Public Health Department of San Bernardino County.
- (j) **DRIVER.** A qualified person who operates an ambulance, as specified by §31.0189(a) of this chapter.
- (k) **EMERGENCY CALL.** A request for the dispatch of an ambulance to transport or provide other assistance for a person who apparently has a sudden or unforeseen need of medical attention.
- (l) **EMERGENCY MEDICAL SERVICES.** The services needed to provide urgent medical care in a condition or situation in which an individual has a need for immediate medical attention or where the potential for such need is perceived by emergency medical personnel, a public safety agency, or with respect to interfacility transfers qualified medical personnel of the transferring facility. Any transportation needs pursuant to a request for an emergency ambulance operating under a permit issued by the Commissioner of the California Highway Patrol or the attendance of certified emergency medical personnel or licensed medical personnel shall be deemed the providing of emergency medical services.
- (m) **EMERGENCY MEDICAL TECHNICIAN-I AMBULANCE (EMT-IA).** A person trained and certified to provide basic life support according to standards prescribed by Division 2.5 of the Health and Safety Code and the local EMS Agency.
- (n) **EMERGENCY MEDICAL TECHNICIAN-II (EMT-II).** A person trained and certified to provide limited advanced life support according to standards provided by Division 2.5 of the Health and Safety Code and the local EMS Agency.
- (o) **EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC (EMT-P) PARAMEDIC OR MOBILE INTENSIVE CARE PARAMEDIC.** A person specially trained and certified to provide advanced life support according to standards prescribed by Division 2.5 of the Health and Safety Code.
- (p) **EXCLUSIVE OPERATING AREAS.** Specific geographic areas of the County designated in the Emergency Medical Services Plan for the County and authorized by §§1797.6, 1797.85 and 1797.224 of the Health and Safety Code.
- (q) **LEVEL OF SERVICE.** The type of emergency medical services that may be provided by a permittee, and will be specified as basic life support, limited advanced life support and advanced life support provided by personnel certified as specified in Division 2.5 of the California Health and Safety Code and Title 22, Division 9 of the Administrative Code.
- (r) **MOBILE INTENSIVE CARE NURSE (MICN).** A nurse who has been certified by the Medical Director of the local EMS Agency as qualified in the issuance of emergency instructions to EMT-IIs and EMT-Ps.
- (s) **NONEXCLUSIVE OPERATING AREAS.** Those areas of the County defined geographically but not designated in the EMS Plan for the County as Exclusive Operating Areas.
- (t) **PATIENT.** A sick, injured, wounded, invalid, expectant mother, convalescent, or otherwise incapacitated person.

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(u) PERMITTEE. Any ambulance service possessing a current permit granted by the Board to provide ambulance service within the County.

(v) PERSON. Any individual, firm, corporation, partnership, association, agency, or group or combination acting as a unit.

(w) SPECIAL EVENTS. Any situation where a previously announced event places a grouping or gathering of people in one general locale sufficient in number, or subject to activity that creates the need to have one or more ambulances at the site.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.082 Permits.

(a) REQUIRED. It shall be unlawful for any person, either as owner, agency or otherwise, to operate, conduct, advertise or engage in or profess to be engaged in the business or service of the transportation of patients upon the streets or any public way or place in the unincorporated territory of the County, except in conformance with a valid permit to do so issued by the Department.

(b) EXCEPTIONS. The equipment and personnel standards specified in this chapter apply to all ambulance services; however, the licensing and permit requirements shall not apply to:

(1) Vehicles operated as ambulances at the request of local authorities during any "state of war emergency," duly proclaimed "state of emergency" or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended; or

(2) Ambulances based in adjoining counties or states operating in the underserved border areas of the County where the County Health Office has conducted an investigation to describe the service area, assure conformity with County policy and established a letter or agreement between the Department and appropriate regulatory agencies within the adjacent county or state. Such agreement shall contain a description of the service area.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.083 Permit Fees.

Permit fees shall be those specified in the County Code §16.0213A(a)(5). All permits shall be issued to expire on June 30 of each year, and the annual fee therefor may be prorated on a quarterly basis for the first year. Permit fees may be waived by the Board of Supervisors if public need and necessity require it.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.084 Application for a Permit or Renewal of a Permit.

(a) PROCEDURE AND INFORMATION REQUIRED. Prerequisite to the issuance of a permit or renewal of a permit for an applicant shall include filing with the Department an application in writing on a form to be furnished by the Department, which shall provide the following minimum information:

- (1) Name and description of applicant;
- (2) Business address and residence address of record of the applicant;
- (3) Trade or firm name, or DBA as recorded;

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(4) If a corporation, a joint venture or a partnership or limited partnership, the names of all partners, or the names of corporate officers, their permanent addresses and their percentage of participation in the business;

(5) A statement of facts for new applicants showing the past experience of the applicant in the operation of an ambulance service and at what level and that the applicant is qualified to render efficient 24-hour ambulance service;

(6) A photocopy of the license(s) issued by the Commissioner of the California Highway Patrol to privately owned ambulances (in accordance with §2501, California Vehicle Code and Title 13, California Administrative Code) shall be provided to the Department prior to the start of ambulance operations;

(7) The geographical operating area as specified in the OEMs Plan for the County for which the permit is requested;

(8) The level or levels of service which the applicant proposes to provide;

(9) A statement in initial and renewal applications that the applicant owns or will have under his control required equipment to adequately conduct an ambulance service in the operating area for which he is or proposes to be permitted, which meet the requirements established by the California Vehicle Code, and that the applicant owns or has access to suitable and safe facilities for maintaining his ambulance service in a clean, sanitary and mechanically sound condition;

(10) A list for initial and renewal applications amended as required during the year for any changed, substituted, loaned, or leased vehicles, giving a complete description of each ambulance vehicle operated by the applicant, including the patient capacity thereof, and a copy of the most recent Ambulance Inspection Report issued by the California Highway Patrol for each vehicle;

(11) An affirmation for initial and renewal applications that each permitted ambulance and its appurtenances conform to all applicable provisions of this chapter, the California Vehicle Code, the California Administrative Code, and any other applicable state or local directives;

(12) A statement for renewal applications that the applicant employs sufficient personnel adequately trained and available to deliver ambulance services of good quality at all times in the applicant's permitted operating area. When an initial application is submitted, a statement that the applicant will employ sufficient personnel adequately trained and available to deliver ambulance services of good quality at all times in the applicant's permitted operating area;

(13) A list amended as required during the year for any personnel changes, giving a description of the level of training for each ambulance employee, and a copy of each certificate or license issued by the State, County, or local EMS Agency establishing qualifications of such personnel in ambulance operations. An initial applicant shall submit a list of personnel and their qualification prior to attaining operational status;

(14) A proposed schedule of any special rates to be charged by the permittee for ambulance services;

(15) A statement in the initial application that shows to the satisfaction of the Department that the issuance of a permit is in the public interest and there is a need for a permit to be issued, in that there is a requirement for ambulance service which can be legally serviced by the applicant;

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(16) A statement signed by the applicant that as a condition of the County's issuing a permit, applicant agrees to appear and defend all actions against the County arising out of the exercise of said permit, and shall indemnify, defend, and save the County, its officers, employees and agents harmless of and from all claims, demands, actions, or causes of actions of every kind and description resulting directly or indirectly and arising out of, or in any way connected with exercise of this permit unless this is a conflict of interest;

(17) Such other facts or information as the Department may require.

(18) Permits for "special events" shall meet all the requirements of this section.

(A) The ambulance service or services shall be provided by either the ambulance service possessing a regular permit for the area or a special events operator as selected by the special event promoter.

(B) Rates for "special events" ambulance services shall be determined by common agreement between the event's promoter and the permittee.

(C) All special events shall be reported to the Department at least seven (7) days in advance of the event.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.085 Investigation by Health Officer.

(a) In nonexclusive operating areas and upon receipt of a new application, the Health Officer shall conduct an investigation to determine if the public health, safety, welfare, convenience, and necessity require the granting of an original or additional permit for the operating area for which the application has been made and shall further determine if the applicant meets all requirements of this chapter. Upon completion of his investigation and within forty-five (45) days, the Health Officer shall issue a report, present a copy to the applicant, and request that a meeting of the Emergency Medical Care Committee (EMCC) be called within fourteen (14) days to consider that report and other testimony. After due deliberation the EMCC shall make its recommendation to the Health Officer. Within fourteen (14) days the Health Officer shall advise the Board that a permit be granted or denied for the operating area. No permit shall be issued by the Health Officer until the Board of Supervisors has determined that the public health, safety, welfare, convenience, and necessity require the granting of such permit for the particular operating area.

(b) In competitive exclusive operating areas, the Board will only consider the application when the process designated in the Emergency Medical Services (EMS) Plan for San Bernardino County has been completed.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.086 Issuance or Denial of Permit.

(a) The Board of Supervisors may order the issuance of a permit to conduct an ambulance service in a nonexclusive operating area upon finding that the applicant has demonstrated that the public health, safety, welfare, convenience, and necessity require the availability of such ambulance service and that the applicant meets all requirements of this chapter. The Board may also order the issuance of a permit for an exclusive operating area to a provider selected by the process as described in the EMS Plan for the County of San Bernardino.

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(b) Whenever a new application is filed under the provisions of this chapter for a permit to provide ambulance service in a part of the County that is not an exclusive operating area and where services already exist, the Board, after due investigation, may find and determine, as a matter of fact, that the applicant has failed to demonstrate there exists in the area sufficient potential need for ambulance service to justify the granting of an additional, separate and distinct permit for use within that operating area. Predicated on such findings, the Board of Supervisors may deny the application for permit on the grounds that the granting of such new permit is not economically or financially feasible and not in the public interest and welfare.

(c) The Board of Supervisors may order the denial or revocation of a permit if the applicant or any partner, officer, or director thereof:

(1) Was previously the holder of a permit issued under the ordinance which permit has been revoked or not reissued and the terms or conditions of the suspension have not been fulfilled or corrected;

(2) Is committing any act, which, if committed by any permittee, would be grounds for the suspension or revocation of a permit issued pursuant to this chapter;

(3) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or where the applicant has benefited;

(4) Has acted in the capacity of a permitted person or firm under this chapter without having a permit therefor;

(5) Has entered a plea of guilty to, or been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction suspending the imposition of sentence, or of a subsequent order under the provisions of §1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation of information.

(d) **LIABILITY INSURANCE.**

(1) The permittee shall obtain and keep in force during the term of said permit comprehensive general liability insurance issued by a company authorized to do business in the State of California, insuring the owner, and also naming the County as an additional insured of such ambulance against loss by reason of injury or damage that may result to persons or property from negligent operation or defective maintenance of such ambulance, or from violation of the chapter or local EMS Agency protocols or of any other law of the State of California or the United States. Said policy shall be in a sum determined annually by County Risk Management for personal injury to or death of any one person in any single accident; or destruction of property in any one accident. Workers' Compensation insurance shall be carried covering all employees of the permit holder. Before the Health Officer shall issue a permit, copies of the policies or certificates evidencing such policies shall be filed with the Department. All policies shall contain a provision requiring a thirty (30) day notice be given to the Department prior to cancellation, modification, or reduction in limits.

(2) Public providers shall show evidence of liability protection in the form of copies of insurance policies, official action of their governing body or other legal documents.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

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31.087 Content of Permit.

The permit shall specify the dates of issuance and of expiration, the operating area(s) of the County within which the permittee may provide ambulance service, the number of ambulance units to be used by the permittee, the level or levels of service to be provided, and any special conditions regarding communication, equipment, personnel, special rates, or waiver of requirements deemed appropriate by the Health Officer.

Adopted Ordinance #2084 (1976); Amended Ordinance #2511 (1981); Amended Ordinance #3251 (1998);

31.088 Amendment of Permits.

Upon request by the permittee, the Health Officer may amend the conditions specified in a permit if he finds such changes in substantial compliance with the provisions of this chapter. Such amendment shall not affect the expiration date of the existing permit, or shall it authorize a change in ownership from that specified in the original permit.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.089 Renewal of Permits.

Permits shall be renewed annually by the Health Officer upon application of the permittee if the permittee proposes no substantial change in the content of the permit, and if the Health Officer determines that the permittee has during the period of the expiring permit operated in conformity with the provisions of this chapter and the rules and regulations of the Department, and that he is capable of continuing operation in conformity with the rules and regulations of the Department.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0810 Suspension and Revocation of Permits.

(a) The Health Officer, after conducting a hearing pursuant to §31.061 -31.065, shall be empowered to suspend or revoke the permit issued under the provisions of this chapter to operate an ambulance service when it has been found after investigation that the permittee or any partner, officer, or director:

- (1) Violates any section of this chapter or the EMS Plan, or any rules or regulations that are promulgated by the Department or the local EMS Agency which relate to his permit activities;
- (2) Is convicted of any felony;
- (3) Is convicted of any misdemeanor involving moral turpitude;
- (4) Is convicted of any offense relating to the use, sale, possession, or transportation of narcotics or habit-forming drugs;
- (5) Commits any act involving dishonesty, fraud, or deceit whereby another is injured, or whereby the permittee has benefited, or any act involving moral turpitude;
- (6) Has misrepresented a material fact in obtaining a permit, or is no longer adhering to the conditions specified in his permit;
- (7) Aids or abets an unlicensed or uncertified person to evade the provisions of this chapter;

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(8) Fails to make and keep records showing his transactions as a permittee, or fails to have such records available for inspection by the Health Officer or his duly authorized representative for a period of not less than three (3) years after completion of any transaction to which the records refer, or refuses to comply with a written request of the Health Officer to make such record available for inspection;

(9) Accepts an emergency call within permitted area when either unable or unwilling to provide the requested service or fails to inform the person requesting such service of any delay and fails to obtain the consent of such before causing an ambulance to respond from a location more distant than the one to which the request was directed;

(10) Fails to pay required fees or penalties.

(b) If any of the managers of an ambulance service are found after hearing to have acted in the manner set forth in subsections (a)(2), (3), (4), or (5) hereof, the ambulance service shall not have its permit suspended or revoked unless it shall have failed, for more than fifteen (15) days after the completion of said hearing to have removed the manager or managers found to have so acted.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0811 Suspension, Conditional Operation, and Temporary Variance.

In the event of any interruption of service of more than twenty-four (24) hours duration, or any substantial change in the ambulance service, which causes, or threatens to cause, the ambulance service to be carried out different from that specified in the current permit, the permittee shall notify the Health Officer immediately in writing, stating the facts of such change.

Upon request by the permittee, the Health Officer may grant a temporary variance in writing from the conditions specified in the original permit if he finds that such change is in substantial compliance with the provisions of this chapter. If the Health Officer finds that such change is not in substantial compliance with this chapter, he may suspend, revoke or amend the permit by written notice.

No permit shall be transferred to another person except upon prior approval of the Board after timely review and report thereon by the Health Officer.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0812 Appeal Procedure.

(a) If the renewal of a permit is denied by the Health Officer or if the Health Officer suspends or revokes a permit, the permittee shall be given written notice specifying the action taken, and the effective date thereof. Such notification shall be by registered or certified mail. The permittee shall, upon written request, be entitled to a hearing as provided in Title 3, Division 1, Chapter 6 of this Code (§§31.061 -31.065). The permittee's request for a hearing shall be made within ten (10) days of receiving the notice of denial, revocation, or suspension. The permittee shall then be afforded a hearing prior to the effective date of denial, suspension, or revocation. When a permittee is, or becomes, unable to provide the required level of ambulance service because of a lack of an operating vehicle, properly equipped vehicle, insurance, or personnel to serve and such a lack or failure constitutes a substantial decrease in ability to provide the level of ambulance service required by this chapter, then the suspension or revocation of the Health Officer shall be effective when notice of such is sent to the permittee, and shall be in effect thenceforth unless that disposition is changed after a

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hearing requested by the permittee. The hearing shall be held within seven (7) days of the suspension or revocation. The Health Officer may, after such hearing, affirm, modify, or set aside the original decision. The Health Officer shall notify all public safety agencies, County Communications Division, and all hospitals in the respective permit area if the permit renewal is denied or if a permit is suspended or revoked.

(b) If the Health Officer denies the renewal of or suspends or revokes a permit, the permittee shall have the right to demand a hearing by the Board of Supervisors. A request for a hearing shall be made in writing to the Clerk of the Board within twenty (20) calendar days following the denial, suspension, or revocation of the permit. Upon receipt of a written request, the Clerk of the Board shall set the matter for hearing as soon as reasonably possible but not more than sixty (60) days following receipt of the written request and give notice to the appellant and the Health Officer of the date set for the hearing. The hearing shall be conducted in accordance with the provisions of the County Administrative Hearing Process. The decision of the Board of Supervisors upon any such appeal shall be final unless within thirty (30) days of mailing of written notice of such decision the emergency service provider shall have filed an action with the Superior Court under the provisions of Code of Civil Procedure §1094.5 for review pursuant to administrative mandamus.

Pending any appellate procedure herein provided, no change shall occur unless the Health Officer shall, in his discretion, determine that an emergency situation exists requiring the substitution of another emergency services provider on an interim basis.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0813 Service Requirements.

(a) Each ambulance service shall provide ambulance service (of the level or levels specified in his permit) on a continuous twenty-four (24) hours per day basis, excluding acts of God or labor disputes. If for any reason an operator stops providing the prescribed level or levels of ambulance service on a continuous twenty-four (24) hours per day basis, he shall immediately stop any advertisement of emergency services which have been discontinued and immediately notify the Health Officer.

(b) Exceptions: Special events permittees.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0814 Conformance with Operating Areas.

No ambulance service shall, but for the exceptions below, provide emergency medical services for ambulance calls originating within the County outside the territorial limits fixed in the permit issued to him.

(a) EXCEPTIONS. A permittee may provide service for ambulance calls outside the territorial limits fixed in the permit issued to him:

(1) Upon request by any law enforcement or governmental agency having jurisdiction pursuant to written mutual aid agreements approved by the Health Officer;

(2) Upon request of a permittee in an adjoining service area/zone, when such permittee does not have an ambulance or level of service immediately available in the operating area from which a request originates, and when ambulance service is immediately required;

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(3) To provide medically required specialized transportation services not immediately available for a patient in another operating area if such specialized services have heretofore been approved in accordance with §31.0827.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0815 Communications Requirements.

Each ambulance service operating in the County shall establish and maintain radio contact with a central point designated by the County or the local EMS Agency and its local base of operation where technically feasible. Radio procedures prescribed by the County Communications Division shall be utilized.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0816 Standards for Operation of an Ambulance Service.

Each ambulance service shall operate in accordance with Title 13, California Administrative Code and those standards and guidelines established by the local EMS Agency and the State of California Emergency Medical Services Authority.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0817 Standards for Dispatch.

Upon a request in writing by a local fire agency, an ambulance service shall enter into an agreement with the fire agency that would direct the ambulance company to report any emergency calls received directly from private parties to the fire agency dispatch center.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0818 Ambulance Safety and Emergency Equipment Requirements.

Ambulances shall be maintained at all times in good mechanical repair and in a clean and sanitary condition.

(a) MINIMUM EQUIPMENT. All ambulances shall be equipped with all safety and emergency equipment required for ambulances by the California Vehicle Code and the California Administrative Code and administrative rules of the County Health Officer and the local EMS Agency as the same are now written, or hereafter amended.

(b) ALS AND LALS AMBULANCE EQUIPMENT. In addition to the regular ambulance equipment and supplies, the ALS and LALS ambulances shall also be equipped as required by administrative rules of the County Health Officer and the local EMS Agency.

(c) MAINTENANCE OF EMERGENCY EQUIPMENT AND SUPPLIES. Dressings, bandaging, instruments, and other medical supplies used for care and treatment of patients shall be protected so they are suitable for use from a medical standpoint.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

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31.0819 Ambulance Personnel.

(a) **AMBULANCE DRIVER.** Every person who drives an ambulance within the County, while responding to emergency calls, shall comply with the requirements in the California Administrative Code for ambulance drivers. The driver shall also hold a certificate as an EMT-IA, EMT-II, or EMT-P.

(b) **AMBULANCE ATTENDANT.** An ambulance attendant shall be trained and competent in the proper use of all emergency equipment required by this chapter, and shall hold the required certification to satisfy the level of service as specified in the permit.

(c) **ATTENDANT REQUIRED.** Each ambulance being operated within the County, in response to an emergency call, shall be staffed by both a driver and attendant, unless the ambulance service operator has been exempted. The attendant of an ambulance responding to an emergency call shall occupy the patient compartment while transporting any person in apparent need of medical attention.

This section shall not apply during any "state of emergency," or "local emergency" as defined in the Government Code of the State of California.

Adopted Ordinance #2084 (1976); Amended Ordinance #2841 (1984); Amended Ordinance #3251 (1998);

31.0820 Ambulance Rates.

No ambulance service shall change more than the following rates:

(a) **ONE PATIENT:** The schedule of maximum rates that may be charged for ambulance service for one (1) patient shall be as initially set by resolution adopted by the Board of Supervisors, and as adjusted thereafter as provided in this chapter.

(b) **RATES FOR MULTIPLE LOADS:**

(1) Each additional stretcher or gurney patient carried at the same time may be charged the full base rate for response to the call and half the mileage rate.

(2) Each additional sit-up patient shall be charged half the base rate for response to the call and half the mileage rate.

(3) This section does not apply to contractual agreements.

(c) No charge shall be made for transporting uninjured or well persons who accompany a patient.

(d) All rates are to be computed from the time the ambulance arrives for hire until the ambulance is discharged by the patient or his representative, attending physician, or emergency receiving facility.

(e) When a ground ambulance has been dispatched and ambulance personnel and/or equipment are directly involved with patient care even though a helicopter transports, then the ambulance service shall be entitled to charge an appropriate fee for its service, supplies and equipment.

(f) The schedule of maximum rates shall be adjusted only upon approval by the Board of Supervisors. The adjustment and any change of rates resulting therefrom shall be arrived at by the application of a formula that shall utilize the Ambulance Cost Index (ACI) computed with industry specific cost component weights and a revenue adjustment that considers variations in the payment mechanism. The formula for such adjustments shall be approved by the Board of Supervisors as part of regulations for the implementation of this chapter. If there are unusual cost or revenue variances such as those caused by an act of God, labor dispute disruptions, or other unusual conditions, a permittee, or

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permittees, may apply to the County Health Officer for an adjustment in addition to any annual adjustment. The Health Officer shall then be responsible for reviewing all proposed net ambulance rate changes and submitting them, with his or her recommendations, for consideration by the Board of Supervisors.

(1) All applications for rate changes must be supported by adequate documentation.

(2) A rate change when approved by the Board of Supervisors, as applicable, shall be effective not later than thirty (30) days afterward.

(3) Any authorized change in rates shall be effective within ten (10) days after having been published in a newspaper of general circulation within the effective service area, once a week for two (2) weeks.

(4) The County Health Officer on receipt of any application for a rate adjustment may request an audit of books and records of a permittee for the purpose of verifying revenue and cost data. Such an audit shall be carried out by a person selected by the permittee and approved by the Health Officer. If the County Health Officer and permittee cannot agree on a person to perform the audit, then the audit shall be carried out by a Certified Public Accountant selected by the County Health Officer. If there is any charge, cost or fee for such an audit, such shall be paid by the permittee. The Board of Supervisors may deny any adjustment if an audit is requested and not produced. Every audit shall be done promptly, and within thirty (30) days of the time it is requested so that there should be no undue delay.

(h) Proposed special rates or proposed changes in such rates shall be submitted to the Health Officer for review. Such rates shall be approved by the Health Officer before becoming a part of any permit and before being charged by any permittee. The Health Officer shall approve proposed special rates, or proposed changes in such rates, if he finds that such rates are reasonable in relationship to the cost of providing the service. The decision of the Health Officer to approve or disapprove special rates may be appealed to the Board of Supervisors in the same manner as provided in §31.0812, above.

(i) Under no circumstances shall ambulance personnel dispatched on a Code 3 call attempt to collect for the service prior to the delivery of the patient at an appropriate medical facility.

(j) At the direction of the local Emergency Medical Services ("EMS") Agency, and when authorized pursuant to the local EMS Plan, the ambulance rates established under this section shall apply to all providers of ambulance services which are subject to the regulatory authority of the EMS Plan.

Adopted Ordinance #2084 (1976); Amended Ordinance #2511 (1981); Amended Ordinance #3718 (1998), Amended Ordinance 3914 (2004),

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31.0821 Continuation of Call.

An ambulance based and properly licensed outside the County shall be authorized to transport a patient to or through the County but shall not be authorized to transport patients originating in the County, except under the conditions of §31.082. In order to maintain proper medical support, communications shall be maintained with the ambulance dispatch center for the area. ALS ambulances shall establish and maintain communications with and medical control from a base station in conformance with the rules of the local EMS Agency.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0822 Temporary Permit.

The County Health Officer may authorize a temporary permit to an ambulance service based outside the County and properly licensed by the California Highway Patrol up to thirty (30) days for special events. Such temporary permit shall conform to the requirements of §31.087 and shall contain such additional conditions and restrictions that the County Health Officer deems appropriate for the operation.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0823 Emergency and Disaster Operations.

During any "state of war emergency," "state of emergency," or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended, each ambulance service shall within reason provide equipment, facilities, and personnel as requested by the County Health Officer.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0824 Mutual Aid Requirements.

(a) Whenever the County Health Officer or his designee determines that ambulance resources within the County are inadequate to respond to a County emergency/disaster, a request for emergency ambulance mutual aid may be made to any County Health Officer or his designee within any county of the state or adjoining states. Whenever the County Health Officer or his designee receives a request involving emergency ambulance mutual aid from any County Health Officer or his designee, such resources shall be provided as are available.

(b) Where a permittee needs additional equipment or personnel beyond that which he is usually able to supply, he shall request such additional resources from adjacent area providers within the County who shall provide such resources as are available, except when the adjacent provider determines that such mutual aid would unreasonably remove adequate transportation equipment from the adjacent provider permitted area.

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(c) Whenever the County Health Officer or his designee determines that ambulance resources within an operating area are inadequate or nonexistent because the ambulance service's permit has either been suspended, revoked or not renewed, then the Health Officer or his designee may order another permittee to provide service in the operating area until a permanent provider can be selected. In such instance the EMCC shall be notified, and the problem shall be acted upon by the EMCC. No permittee shall be required to service the vacated area for more than thirty (30) days during which time the Health Officer shall attempt to obtain the service of another provider.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0825 User Complaint Procedures.

Any user or subscriber to an ambulance service contending that he has been required to pay an excessive charge for service or that he has received unsatisfactory service, may file a written complaint with the Department setting forth such allegations. The Department shall notify the ambulance service of the details of such complaint, and shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the Department shall take reasonable and proper actions to secure compliance with the conditions of this chapter.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0826 Enforcement Responsibilities.

(a) The Department shall make all rules and regulations deemed necessary and reasonable, subject to the approval of the Board, covering ambulance service operation, ambulance equipment, ambulance vehicles, ambulance personnel and rates and for the effective and reasonable administration of this chapter.

(b) The Department shall inspect the records, facilities, vehicles, equipment, and methods of operations whenever such inspections are deemed necessary.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

31.0827 Specialized Transportation Services.

(a) Upon receiving an application, the Health Officer shall conduct a hearing into whether any specialized transportation services are necessary and appropriate for any or all portions of the County.

(b) The hearing shall be conducted in accordance with § 31.085 hereof.

(c) If such specialized transportation services are found necessary and appropriate, an annual permit shall be provided to the applicant upon the same terms and conditions required for nonspecialized ambulance services.

(d) Where such specialized transportation services are found necessary and appropriate, the ambulance service currently supplying BLS, LALS, or ALS service shall be given the first right to provide such additional service in its area.

Adopted Ordinance #2084 (1976); Amended Ordinance #3251 (1998);

VITAL STATISTICS

Chapter 9

VITAL STATISTICS

Section:

31.091 Disposition of Records of Births, Deaths and Marriages.

31.091 Disposition of Records of Births, Deaths and Marriages.

The County Auditor-Controller/Recorder and the County Health Officer, local registrar of births and deaths, with the approval and under the supervision of the State Registrar, hereby receive approval of the Board of Supervisors for the disposition of this County's and local registrar's records of births, deaths, and marriages for events which occurred after July 1, 1905, on file in the office of the County Auditor-Controller/Recorder, providing that the original records are determined to be on file in the Office of the State Registrar. If the County Health Officer, local registrar or County Auditor-Controller/Recorder does not have copies of such records, one may accept them from the other. These provisions are pursuant to California Health and Safety Code, Division 9, Chapter 2, Section 10067.

Adopted Ordinance #2639 (1982);

EMERGENCY MEDICAL CARE COMMITTEE

Chapter 11

EMERGENCY MEDICAL CARE COMMITTEE

Sections:

- 31.111 Title.
- 31.112 Definitions.
- 31.113 Purpose and Scope.
- 31.114 Membership, Appointment of Members.
- 31.115 EMCC Meetings.
- 31.116 Review of Local Operations.

31.111 Title.

This Chapter shall be known and cited as the San Bernardino County Emergency Medical Care Committee Chapter.

Adopted Ordinance #3495 (1992);

31.112 Definitions.

For the purpose of this Chapter the following terms, phrases, words, and their derivations, shall have the meaning set forth herein. Words used in the present tense include the future tense, plural words include the singular, and singular words include the plural. All references to gender shall include both masculine and feminine. Words not specifically defined shall be given their common meaning. The word "shall" is mandatory and not directory.

(a) "Board of Supervisors" shall mean the Board of Supervisors for the County of San Bernardino.

(b) "County" shall refer to the County of San Bernardino.

(c) "Director" shall refer to the Director of the Public Health Department for the County of San Bernardino.

(d) "EMCC" shall refer to the Emergency Medical Care Committee for the County of San Bernardino.

(e) "EMS" shall mean Emergency Medical Services.

(f) "Local EMS Agency" shall refer to the Public Health Department of the County of San Bernardino.

(g) "EMS Authority" shall refer to the EMS Authority of the State of California.

Adopted Ordinance #3495 (1992);

31.113 Purpose and Scope.

It is the purpose of this Chapter to establish the County's EMCC as required under California Health & Safety Code §1797.20. It is the responsibility of the EMCC to act in an advisory capacity to the Board of Supervisors, and the local EMS Agency on all matters relating to emergency medical services, and to perform such other duties as the Board of Supervisors may specify.

Adopted Ordinance #3495 (1992);

EMERGENCY MEDICAL CARE COMMITTEE

31.114 Membership, Appointment of Members.

(a) Appointment. The members of the EMCC shall be appointed by the Board of Supervisors. The members of the EMCC serve at the pleasure of the Board of Supervisors. The EMCC shall consist of the following:

- (1) An emergency room or trauma physician.
- (2) An EMS nurse.
- (3) A fire chief.
- (4) A private ambulance provider.
- (5) A representative of an EMS training institution.
- (6) A hospital administrator.
- (7) A law enforcement representative.
- (8) A representative from an emergency dispatch or communications center.
- (9) A consumer advocate.
- (10) A physician.
- (11) A city manager.
- (12) An air-ambulance provider.
- (13) A locally accredited field Emergency Medical Technician-Paramedic.

(b) Voting. Each member of the EMCC shall have one (1) vote. Seven (7) members present shall constitute a quorum. A majority vote with a quorum in attendance shall be required to take action on a matter before the EMCC.

(c) Election of a Chairperson and Vice-Chairperson. A Chairperson and Vice-Chairperson shall be elected annually from the members of the EMCC at the first meeting of each calendar year by a simple majority of the EMCC members present. The Vice-Chairperson shall assume the responsibilities of the Chairperson in his/her absence.

(d) Term of Appointment. Appointment shall be for four (4) years. Terms shall expire on January 31 of the appropriate years and subsequent new terms shall begin February 1 of that year. The terms shall be staggered so that no more than two-thirds (2/3) of the terms of the total number of members of the EMCC shall expire in any one (1) year period. Committee members shall serve at the pleasure of the Board of Supervisors and may be removed from the committee at any time only by the Board of Supervisors.

(e) Staff Support. The Local EMS Agency shall provide staff support to the EMCC.

Adopted Ordinance #3495 (1992);

31.115 EMCC Meetings.

The EMCC shall meet on the third Thursday of every month, holidays excepted, at a time and location to be determined by the EMCC.

Adopted Ordinance #3495 (1992);

31.116 Review of Local Operations.

(a) Annual Review. The Emergency Medical Care Committee shall, at least annually, review the operations of each of the following:

- (1) Ambulance Services. All ambulance services operating within the County;
- (2) MS Care. Emergency medical care offered within the County, including programs for training large numbers of people in cardiopulmonary resuscitation and lifesaving first aid techniques; and
- (3) First Aid Practices. All first aid practices within the County.

EMERGENCY MEDICAL CARE COMMITTEE

(b) Report on EMCC Observations and Recommendations. The EMCC shall, at least annually, report, pursuant to California Health & Safety Code section 1797.276, to the Board of Supervisors, the EMS Authority, and the Local EMS Agency, its observations and recommendations relative to its review of the ambulance services, emergency medical care, first aid practices, and programs for training people in cardiopulmonary resuscitation and lifesaving first aid techniques, and public participation in such programs in the County.

(c) Review of the EMS Plans, Procedures and Protocols. In addition to the responsibilities outlined above, the EMCC shall review and comment on proposed EMS legislation, EMS plans and review and comment on protocols and policies to be adopted by the Local EMS Agency, and shall report its findings to the Director and/or Board of Supervisors as appropriate.

Adopted Ordinance #3495 (1992);

ANIMAL CONTROL

DIVISION 2. ANIMALS

Chapters:

1. Animal Control.
2. Rabies (Biting and Bitten Animals: Vaccination and Licensing).
3. Dog Kennels.
4. Hogs ---Garbage-Feeding Hog Ranches.
5. Livestock.
6. Cattle Tuberculosis Suppression.
7. Transportation and Movement of Livestock Over Public and Private Lands.
8. Repealed by Ordinance 3105.
9. Apiaries.
10. Commercial Calf Growers.
11. Repealed by Ordinance 3105.
12. Catteries.
13. Animal Food and Food Scraps.

Chapter 1

ANIMAL CONTROL

Section:

- 32.0101 Definitions.
- 32.0102 Impoundment of Animals - Persons Charged with Enforcement.
- 32.0103 Disposition of Impounded Animals.
- 32.0104 Record of Impounded Animals
- 32.0105 Disposition of Dead Animals.
- 32.0106 Deleted by Ordinance 2100.
- 32.0107 Abandoned Animals.
- 32.0108 Control of Animals.
- 32.0109 Female Dogs and Puppies.
- 32.0110 Wild, Exotic or Nondomestic Animals in Captivity.
- 32.0111 Licensing of Animal Establishments Other Than Dog Kennels and Catteries.
- 32.0112 Application for a License to Operate.
- 32.0113 General Regulations Relating to Animals.
- 32.0114 Expiration of License.
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- 32.0116 Inspection.
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- 32.0118 License not Transferable.
- 32.0119 Animals Which Habitually Make Noise.
- 32.0120 Penalties.
- 32.0121 Injunction.

ANIMAL CONTROL

32.0101 Definitions.

(a) The term “animal” as used herein shall mean any mammal, poultry, fowl, reptile, fish, or any other living creature.

(b) The term “abandoned animal” as used herein shall mean any animal left unattended for a minimum of twenty-four (24) hours without receiving proper care and/or treatment by its owner or caretaker.

(c) The term “animal control officer” as used herein shall mean any person duly appointed by the Health Officer and authorized to act on his/her behalf in the enforcement of the Animal Care and Control Program.

(d) The term “animal menagerie” as used herein shall mean any place where wild animals are kept or maintained for private or commercial purposes, including places where wild animals are boarded, trained, or kept for hire.

(e) The term “potentially dangerous animal” as used herein shall mean any of the following:

(1) Any animal which, unprovoked, on two separate occasions within any thirty-six month period, engages in any behavior that requires defensive action by any person to prevent bodily injury, but only if the person and the animal are off the property of the owner or keeper of the animal when the animal behavior occurs.

(2) Any animal, which, unprovoked, bites a person causing a less than severe injury, as defined in subsection (y) of this section.

(3) Any animal, which, unprovoked, kills, seriously bites or otherwise inflicts or causes injury to a domestic animal, but only if such occurs off the property of the owner or keeper of the attacking animal.

(f) The term “animal shelter” as used herein shall mean all places where impounded animals are to be confined, whether by the County or by a private person or persons under contract or agreement with the County.

(g) The term “vicious animal” as used herein shall mean any of the following:

(1) Any animal seized under section 599aa (fighting animals) of the California Penal Code and fighting dogs as provided in subdivision (a) of section 597.5 of the California Penal Code when there has been a conviction of the owner or keeper of the subject dogs under that subdivision of the Penal Code.

(2) Any animal which, unprovoked, inflicts severe injury on a human being, as such injury is defined in subsection (y) of this section, or kills a human being.

(3) Any animal previously determined and currently listed as a potentially dangerous animal, which, after its owner or keeper has been notified of this determination, continues the behavior described in subsection 32.0101(e) or is maintained in violation of section 32.1405 of this Code.

(h) The term “wild animal” as used herein shall mean any wild, exotic, dangerous or venomous animal, including but not limited to mammals, fowl, fish, or reptile.

(i) The term “cat” as used herein shall mean all domesticated felines.

(j) The term “chief officer” as used herein shall mean the San Bernardino County Public Health Program Manager assigned to the Animal Care and Control program or any other person so designated.

(k) The term “dog” as used herein shall mean any dog of any age, female or male.

(l) The term “altered dog” as used herein shall mean any dog which has been certified in writing by a veterinarian as being nonreproductive.

(m) The term “guard dog” as used herein shall mean any dog used for the purpose of guard duty.

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(n) The term “unlicensed dog” as used herein shall mean any dog for which a current license has not been paid, or to which the current tag provided for in this Code is not attached.

(o) The term “enclosure” as used herein shall mean a pen or structure suitable to confine an animal determined potentially dangerous or vicious. The enclosure shall be designed to prevent the animal from escaping and to prevent the entry of young children and other persons.

(p) The term “health officer” as used herein shall mean the San Bernardino County Health Officer or any other person duly authorized to act on his/her behalf.

(q) The term “impoundment” as used herein shall mean the picking up of an animal by a duly authorized person and bringing it into an animal shelter for confinement, custody, and disposition.

(r) The term “leash” as used herein shall mean any rope, leather strap, chain or other material not exceeding six feet in length being held in the hand of a person capable of controlling the animal to which it is attached.

(s) The term “license tag” as used herein shall mean a piece of metal or other durable material inscribed with a date and number which has been issued by the County or a municipal dog licensing agency.

(t) The term “livestock” as used herein shall mean all domesticated bovine, equine, caprine, ovine and porcine species.

(u) The terms “owner or keeper” as used herein shall mean any person who owns or maintains an animal, or who harbors or keeps an animal for fifteen (15) or more consecutive days, except a veterinarian or an operator of a grooming shop, a kennel or a pet shop engaged in the regular practice of this business.

(v) The term “perimeter fence” as used herein shall mean a fence which shall guard and contain the enclosure and shall be totally separate from such enclosure and shall be a minimum of six (6) feet in height and shall be at least six (6) feet from the enclosure on all sides to prevent contact between the animal and the public.

(w) The term “person” as used herein shall mean any person, firm, partnership, corporation, trust, or any association of persons.

(x) The term “registration” as used herein shall mean that any animal which has been declared Potentially Dangerous or Vicious shall be registered as such with the Animal Care and Control Program.

(y) The term “severe injury” as used herein shall mean any physical injury to a human being, which results in muscle tears or disfiguring lacerations or which requires multiple sutures or corrective or cosmetic surgery.

(z) The term “shelterkeeper” as used herein shall mean the San Bernardino County Public Health Animal Shelter Supervisor assigned to the Animal Care and Control program or any other person so designated by the Health Officer.

(aa) The term “stray” as used herein shall mean any animal with no identification or with no known owner or keeper.

Adopted Ordinance 962 (1961); Amended Ordinance 1455 (1968); Amended Ordinance 1603 (1970); Amended Ordinance 1764 (1972); Amended Ordinance 3804 (2000); Amended Ordinance 3908 (2004);

ANIMAL CONTROL

32.0102 Impoundment of Animals – Persons Charged with Enforcement.

(a) The Sheriff and his deputies, Animal Control Officers, every Shelterkeeper and any person employed or designated for that purpose by the Board of Supervisors are hereby authorized and empowered to:

(1) Capture, receive, take up and impound:

(A) Any dog or other animal found running at large in violation of this Code or of any law of the State of California.

(B) Any dog or other animal which is harassing any person.

(C) Any dog, which is harassing an animal upon the premises of any person's property or public place, including the owner's or keeper's property.

(D) Any animal, including wild animals, being kept or maintained within a person's property in violation of this Code or of any law of the State of California.

(E) Stray or abandoned animals.

(F) Dogs, which are not licensed or not vaccinated, in violation of this Code.

(G) Any animals delivered for disposition, by its owner, when the owner has paid the required fee and signed forms releasing all title and interest in the animal.

(H) Any animal which cannot be cared for by its owner or custodian because of the owner or custodian's imprisonment, illness, bankruptcy, litigation, or other contingency, or because the owner or custodian cannot be found.

(2) Regularly and adequately provide food, water and otherwise care for all animals impounded under the provisions of this Code.

(3) Take up and impound any sick or injured animal whose owner is unknown or unidentified; to humanely destroy any such injured animal, when, in the opinion of the officer, registered veterinary technician or a licensed veterinarian, such destruction is necessary and humane; and make proper disposition of such destroyed animal. Should the owner of an injured or destroyed animal be identified, the owner shall be immediately notified of its injury or destruction.

(4) Perform any other acts necessary to carry out the provisions of this Code and of the laws of the State of California relating to animals.

(b) The officer having custody of any impounded animal may, by humane methods, summarily destroy the animal if:

(1) the animal is suffering from any incurable or contagious disease as certified to by a licensed veterinarian or registered veterinary technician and the destruction has been approved by the Chief Officer, or designee, of the Animal Care and Control Program;

(2) the animal is in the field and it is too severely ill or injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal and the destruction is approved by the Chief Officer, or designee, of the Animal Care and Control Program;

(3) the animal is in the act of killing, wounding or persistently pursuing a human being.

(c) Except as provided in Food and Agriculture Code sections 3175 or 31108 for owner redemption, any officer having in his/her custody any unlicensed, impounded animal not suffering from any infectious or communicable disease may release the animal to any adult person who will pay the pound fees and charges as specified in the San Bernardino County Code Schedule of Fees. If a resident of an unincorporated area, the person shall also pay rabies vaccination and license fees for a dog.

(d) All the provisions of this Code pertaining to impounded, unlicensed dogs, except the licensing provisions thereof, shall apply to impounded cats.

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(e) The Shelterkeeper or any duly authorized person shall have the right to receive and dispose of animals delivered into his/her possession by their owners and shall charge a fee for each animal delivered into custody pursuant to San Bernardino County Code Schedule of Fees.

(f) Any impounded animal that has not been redeemed or adopted may be disposed of by euthanasia in accordance with State and County laws.

Adopted Ordinance #962 (1961); Amended Ordinance #1455 (1968); Amended Ordinance #1603 (1970); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0103 Disposition of Impounded Animals.

(a) An impounded animal may be redeemed by payment of a specified shelter fee in addition to the daily charges and other charges, if any, for each day the animal has been impounded, pursuant to the San Bernardino County Code Schedule of Fees.

(b) Any dog over the age of four (4) months that has been impounded shall not be released from the pound, or from any shelter that is under contract with the County of San Bernardino, unless it shall first be licensed in accordance with the provisions of this Code.

(c) Any officer acting under the provisions of this Code and impounding a licensed dog or otherwise identifiable animal, shall give notice of the impounding of the animal in person or by first class mail, postage prepaid, to the last known address of the owner. If the animal is not redeemed and the owner or possessor does not pay the license fee, obtain a license tag, and pay the fees required as specified in this Code after notice has been given, the officer shall destroy or dispose of such animal.

(d) In accordance with California Food & Agriculture Code, sections 30503 (c) (dogs: spay/neuter), 31108 (b) (impounded dog) and 31752 (b) (cats: spay/ neuter) in which the County is authorized to release any stray dog or cat that is impounded prior to it being euthanized to an animal rescue group that has entered into an agreement with the County, the adoption fee and spay/neuter deposit shall be waived on said animal and authority is given to the Health Officer to enter into such agreements.

Adopted Ordinance #962 (1961); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0104 Record of Impounded Animals.

Each Shelterkeeper, Animal Control Officer, or any other duly authorized person, shall keep a record of all animals impounded by him/her that shall show:

(a) Date of impoundment.

(b) License tag number, if any.

(c) Complete description of animal.

(d) Date and manner of its disposal, and

(e) If redeemed, sold or rescued, the name and address of the person by whom redeemed, purchased or rescued, the amount of all fees and other monies received or collected by him/her and the disposition thereof.

Adopted Ordinance #962 (1961); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

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32.0105 Disposition of Dead Animals.

When any dog or other animal owned by or in the custody or control of any person or found in any person's private property dies, such person shall, within twenty-four (24) hours, provide for the burial, incineration, or other disposition of the body of such dead animal in a safe and sanitary manner.

It shall be unlawful for any person to dispose of the body of such dead animal in any public or private property, other than his own, without proper authorization from the County Health Department.

Adopted Ordinance #962 (1961); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0106 Deleted by Ordinance 2100 (1976).

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #1767 (1972); Amended Ordinance #1779 (1972); Amended Ordinance #1821 (1973); Amended Ordinance #3804 (2000);

32.0107 Abandoned Animals.

It shall be unlawful to abandon any animal in the County of San Bernardino.

Adopted Ordinance #962 (1961); Amended Ordinance #1603 (1970); Amended Ordinance #1753 (1972); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0108 Control of Animals.

(a) No person owning or having control of any animal shall permit such animal to stray, to run at large upon any private or public street, sidewalk, schoolground, public park, playground, place of public assembly or any other public place or upon any unenclosed private lot or other unenclosed private place or upon any private property without the consent of the owner or person in control thereof. Parkways comprising the area between the street and sidewalk shall be included as private property for purposes of this section.

(b) Any person who finds any animal which has strayed or is running at large upon his/her own property or any other place contrary to the provisions of this chapter, may take possession of and hold same provided, within four (4) hours after securing possession thereof, he/she shall notify the Health Officer or Animal Control Officer or the Sheriff of the fact that he/she has such animal in his/her possession and give the Health Officer, Animal Control Officer, or Sheriff full information in regard to the animal, including a complete description of the animal and license number, if any, and shall surrender the animal to the Health Officer, Animal Control Officer, or Sheriff upon demand.

(c) No person may lawfully bring his/her dog out of his/her property unless:

(1) The dog is restrained by a leash and is in the charge of a person competent to restrain the dog; or

(2) The dog is properly restrained and enclosed in a vehicle, cage or similar enclosure.

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(d) Any dog found running at large, running loose or unrestrained may be impounded by the Health Officer, Animal Control Officer, or Sheriff for a period of not less than ninety-six (96) hours. Any unclaimed dogs shall then be destroyed or disposed of in accordance with section 32.0103 of this Code.

(e) There shall be a reclaiming fee for all impounded dogs, as set forth in the San Bernardino County Code Schedule of Fees.

(f) A person having custody of any dog shall not permit, either willfully or through failure to exercise due care or control, any such dog to defecate or urinate upon a public street or sidewalk; the floor of any common hall in any apartment house, hotel or other multiple dwelling; upon any entrance way, stairway, or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building, or other building used by the public.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #1767 (1972); Amended Ordinance #1779 (1972); Amended Ordinance #1821 (1973); Amended Ordinance #3804 (2000);

32.0109 Female Dogs and Puppies.

(a) It shall be unlawful for any person to permit any female dog that is owned, harbored or controlled by that person, when said female dog is in heat or in season or breeding condition, to be unconfined and in such a manner that it attracts stray male dogs.

(b) All dogs under four (4) months of age and until vaccinated shall be confined to the premises of or kept under physical restraint by the owner or keeper. Nothing in this chapter shall be construed to prevent the sale or transportation of a puppy younger than four (4) months of age.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #2100 (1976); Amended Ordinance; Amended Ordinance #3804 (2000);

32.0110 Wild, Exotic or Nondomestic Animals in Captivity.

No person shall have, keep, maintain, breed, sell, trade or let for hire, any wild, exotic, dangerous, or nondomestic animal without first applying to any receiving special authorization from the Health Officer. The keeping or maintenance of such animals shall also conform to the appropriate zoning codes as well as laws and regulations promulgated by the State of California and the Federal government.

The Health Officer may authorize the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal when, in his or her opinion, any such animal may be kept or maintained without endangering the safety of any person, any animal or property, nor create a nuisance; provided however, that the Health Officer may require any such animal be properly caged, tethered, or restrained, and may create such additional requirements as may be necessary and proper under the circumstances. The Health Officer shall also require that the owner or keeper of any privately owned wild, exotic, dangerous or nondomestic animal pay a license fee as specified in the County Schedule of Fees; the initial fee to be paid at the time of application. The Health Officer may revoke such authorization when, in his or her opinion, the safety of any person, other animal or property is endangered, or the keeping of such animal creates a nuisance.

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The provisions of this section shall not be applicable to licensed circuses, carnivals, zoos, or other collections of wild animals under jurisdiction of a city, or the State or Federal government.

Adopted Ordinance #962 (1961); Amended Ordinance #1512 (1969); Amended Ordinance #1764 (1972); Amended Ordinance #2995 (1986); Amended Ordinance #3804 (2000);

32.0111 Licensing of Animal Establishments Other Than Dog Kennels And Catteries.

No person shall conduct or operate any pet shop, pet grooming parlor, public aquarium, game bird farm, petting zoo, wild animal breeding or boarding facility, or animal menagerie, without first obtaining a license from the County Health Officer. Any such establishment shall also conform to the appropriate zoning codes.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0112 Application for a License to Operate.

An application for a license to operate a pet shop, pet grooming parlor, public aquarium, game bird farm, petting zoo, wild animal breeding or boarding facility, or animal menagerie, shall be made in writing to the Health Officer. Not later than ten (10) days after receipt of the application by the Health Officer, the facilities for which said license is requested will be examined by the Health Officer. No license shall be issued or renewed unless and until all general regulations relating to animals, as set forth by the Health Officer, are complied with, and an annual fee as specified in the County Schedule of Fees is paid. Any building or structure used in the housing or maintaining of said animals shall be approved by the County Building Department.

32.0113 General Regulations Relating to Animals.

Every person within the County of San Bernardino who owns, conducts, manages, or operates any animal establishment for which a license is required by this chapter, shall comply with each of the following conditions:

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals.

(b) All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(c) All animals shall be supplied with sufficient good wholesome food and water as often as the feeding habits of the respective animals require.

(d) Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals.

(e) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(f) Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals.

(g) All animal rooms, cages, and runs shall be of sufficient size to provide adequate space for clean water and proper housing for animals kept therein.

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(h) All animal runs shall be approved construction and shall be provided with adequate waste and manure disposal and for drainage into an approved sewer or individual sewer disposal installation.

(i) All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Health Officer.

(j) Every precaution shall be taken to avoid the production of nuisances and any hazard to the public health as a result of the presence of any wild, dangerous and/or exotic animals.

(k) Every violation of applicable regulation shall be corrected within a reasonable time to be specified by the Health Officer.

(l) Failure of the applicant for said license to comply with any of the foregoing conditions shall be deemed just cause for the denial of any license, whether original or renewal.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0114 Expiration of License.

Any license issued under this chapter shall expire at the end of such fiscal year in which the license is issued.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0115 Renewal of License.

The procedure for the renewal of any license shall be subject to the same conditions and shall be done in the same manner as the issuance of an original license.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0116 Inspection.

The Health Officer shall have the authority to enter upon any area or premises to enforce the provisions of this chapter.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0117 Revocation of License.

The Health Officer may revoke any license issued pursuant to this chapter, whenever he or she shall determine from an inspection that any animal establishment fails to meet all conditions contained in section 32.0113, or for any other violation of this chapter.

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Any revocation of a license shall be effective until all conditions of section 32.0113 have been met and complied with or such other violation of this chapter has been remedied, to the satisfaction of the Health Officer and written notice of this fact has been given to the licensee. Upon receipt of notice of compliance the license shall be deemed in full force and effect for the remainder of the original term for which issued.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0118 License Not Transferable.

Licenses issued pursuant to this chapter shall not be transferable, except when the owner of such property sells the original property that included a licensed animal establishment within such property, and the licensed animal establishment remains within the confines of the original property.

Adopted Ordinance #962 (1961); Amended Ordinance #1764 (1972); Amended Ordinance #3804 (2000);

32.0119 Animals Which Habitually Make Noise.

(a) Excluding noise from property not zoned for residential purposes (property without "R" in its zoning classification), it shall be unlawful for any person owning or having control of one or more of any animal, either willfully or through failure to exercise proper control, to allow such animal to habitually bark, howl, crow, or make any other loud noises in such a manner as to at any time, day or night, cause general annoyance or discomfort to a neighboring inhabitant. The standard of general annoyance or discomfort is a "reasonable person" standard, i.e., the noise is such that a reasonable person, under the same or similar circumstances, would suffer annoyance or discomfort.

(b) Evidence of a violation may be based upon complaints from neighboring inhabitant(s), hereby defined as persons living within two hundred (200) yards of such animal owner or keeper's premises, or if said animal wanders outside of said premises, within two hundred (200) yards of any place where such animal wanders outside of said premises.

If there is more than one neighboring inhabitant, as defined above, evidence of a violation requires complaints from at least two (2) neighboring inhabitants living in separate residences.

If there is only one neighboring inhabitant, evidence of a public nuisance may be based on a complaint from only one (1) person or persons in that household.

If there is more than one neighboring inhabitant, as defined above, evidence of a public nuisance may, upon application of a single complaining neighboring inhabitant, be established by that person by seeking a waiver from the chief officer of the two-complainant requirement. To obtain such a waiver, a single complainant shall provide to the Animal Control Officer additional credible evidence of a violation, which may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons.

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If the complainant(s) lives in excess of two hundred (200) yards of such animal owner or keeper's premises, that person or those persons may establish evidence of a violation by seeking a waiver from the chief officer of the two hundred (200) yard requirement. To obtain such a waiver, a complainant or complainants living more than two hundred (200) yards from the noise shall provide to the Animal Control Officer additional credible evidence that he/she/they are experiencing a level of noise comparable to a person residing within two hundred (200) yards of the noise, which evidence may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons living a similar distance away from the noise.

(c) The Animal Control Officer will substantially follow the procedures below in responding to all complaints of noisy animals, however, the procedures and timelines set forth herein are discretionary and not mandatory. Should a particular stage in the process take longer than the period set forth, or should exceptional circumstances require any of the periods be shortened, the process may proceed to the next step without the necessity of repeating any prior step.

(1) Upon receiving an initial complaint from any person, either orally or in writing, the owner(s) or keeper(s) of the animal that may be violating this section will be sent a courtesy abatement letter. The letter will notify the owner(s) or keeper(s) that San Bernardino County Animal Care and Control has received a complaint or complaints regarding his/her/their animal(s) that may be in violation of this section, describing the substance of the complaint. The letter will also explain the process and potential costs/consequences for all parties of the process going to citation, will encourage the parties to attempt to resolve the complaint themselves, and, if that is unsuccessful, to seek mediation services, and will provide information on free and low cost mediation services available. Upon sending out the initial courtesy abatement letter, Animal Care and Control personnel will enter the date and address of the animal owner or keeper in the Nuisance Animal Noise Letter Log that is kept on file. A blind copy of the letter will be sent to the complainant, with a cover memo requesting the complainant contact Animal Care and Control if the noise has not abated by the end of the two-week period specified in the letter. At the same time the initial letter is sent, the complainant will be sent a Nuisance Animal Noise Information Sheet along with two Nuisance Animal Noise Complaint Forms, with instructions that, if the nuisance has not abated by the end of the two week period, to complete the form and have at least one neighboring inhabitant in a separate household complete the second form. The complainants must complete and sign the forms under penalty of perjury, and return them to Animal Care and Control. The letter shall also contain a Waiver Application Form, and advise a single complainant, or complainants or a complainant that lives further than two hundred (200) yards from the animal owner(s) or keeper(s), that he/she/they may, by filling it out, obtain from the chief officer a waiver of the two-complainant requirement. Upon sending out the Nuisance Animal Noise Information Sheet and Nuisance Animal Noise Complaint Form, Animal Care and Control personnel will enter the date, complainant's name and address and the alleged violator's name and address on the Nuisance Animal Noise Complaint Form Log that is kept on file.

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(2) If, at the end of the two-week period, the complainant(s) advise(s) Animal Care and Control that the noise is not abated, the complainant(s) will be advised that he/she/they may file a formal written complaint by submitting the Nuisance Animal Noise Complaint Form. At the time of this second contact, in which the complainant(s) indicate(s) that a nuisance animal noise problem still exists, the Nuisance Animal Noise Letter Log will be checked to verify that an initial letter has been sent to the animal owner or keeper.

(3) Upon receipt of two or more completed Nuisance Animal Noise Complaint Forms, or one if there is only one neighboring inhabitant or a waiver of the two-complainant rule is granted, an Animal Control Officer will be assigned to serve a Notice of Violation on the animal owner(s) or keeper(s). The notice shall be served in person, or sent first class mail, postage prepaid, and shall advise the animal owner or keeper that he/she will be given two-weeks from the mailing or service of the notice to comply with the provisions of this section in order to avoid further enforcement action. A file will be kept on the residential address of the animal owner or keeper. The completed Nuisance Animal Noise Complaint Form(s) and a copy of the Notice of Violation will be kept on file. A blind copy of the Notice of Violation will be sent to the complainant(s), with a cover memo requesting the complainant(s) contact Animal Care and Control if the noise has not abated by the end of the two-week period specified in the Notice of Violation.

(4) If, at the end of the two-week period specified in the Notice of Violation, the complainants or complainant advises Animal Care and Control that the noise is not abated, a citation will be issued to the violator. The complainants or complainant at that stage must be willing to have his/her/their name(s) appear on the citation in the area designated for "arresting officer". An Animal Control Officer will be assigned to issue a citation to the animal owner or keeper for violation of this section on behalf of the complainant(s). The Animal Control Officer will sign the citation in the area designated for "issuing officer".

(5) Each subsequent day, or portion thereof, that an animal owned or kept by a party receiving a Notice of Violation creates an animal noise nuisance beyond the two-week period specified in (4) above, shall constitute a separate violation and a separate citation may be issued. For each citation issued, steps (6) and (7) below shall be followed.

(6) Once a citation or citations have been issued to the animal owner or keeper, the issuing Animal Control Officer must complete an Investigation Report. The immediate supervisor or Supervising Animal Control Officer II will review the court's copy of the citation or citations and the completed Investigation Report. After the report has been approved and typed, the following documents will be attached and forwarded to the appropriate court:

- (A) Court's copy of the citation or citations.
- (B) Investigation Report.
- (C) Copy of the Notice of Violation.
- (D) All copies of the Nuisance Animal Noise Complaint Form or forms received from the complainant or complainants, if there is more than one complainant.

(7) A complete copy of the documents that are forwarded to the appropriate court will be placed in the file kept on the animal owner or keeper.

Adopted Ordinance #3280 (1988); Amended Ordinance #3804 (2000);

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32.0120 Penalties.

(a) Any person, firm, partnership, corporation or other entity violating any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Each day or portion thereof such violation is in existence shall be a new and separate offense. Any person so convicted shall be:

(1) Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense.

(2) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense.

(3) The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both.

(4) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(b) Payment of any fine or service of a jail sentence shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

(c) In addition to the above penalties, the court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing, inspecting, abating and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

(d) The owner, manager, and operator of every activity or facility subject to this chapter shall be responsible for any violation of this chapter by an employee.

Adopted Ordinance #3280 (1988); Amended Ordinance #3804 (2000);

32.0121 Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the Health Officer, an action for injunctive relief may be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court that has jurisdiction to grant such relief to abate or remove such illegal activity and to restrain any person from engaging in such illegal activity. This remedy shall be in addition to any other civil or criminal relief or penalty.

Adopted Ordinance #3804 (2000);

RABIES

Chapter 2

RABIES (BITING AND BITTEN ANIMALS: VACCINATION AND LICENSING)

Sections:

- 32.021 Duty to Report Animal Bites.
- 32.022 Confinement of Biting Animal.
- 32.023 Reporting and Confinement of Rabid Animals.
- 32.024 Disposition of Animals Bitten by Rabid Animals.
- 32.025 Posting of Quarantine Sign.
- 32.026 Prohibiting the Keeping and Sale of Skunks.
- 32.027 Possession of Unvaccinated Dogs.
- 32.028 Vaccination.
- 32.029 License Responsibility.
- 32.0210 License Application.
- 32.0211 License Fees.
- 32.0212 Exceptions to Vaccination.
- 32.0213 Penalty Fee.
- 32.0214 Effective Duration of License.
- 32.0215 Duplicate License Tag.
- 32.0216 Wearing of Tag.
- 32.0217 Falsification of License Tag.
- 32.0218 Unlawful Use of Tag.
- 32.0219 Exemption of Payment of License Fee.
- 32.0220 Categories of Dogs Not Requiring License.
- 32.0221 Transfer of Ownership.
- 32.0222 Renewal of License.
- 32.0223 Authority to Enter Any Premises.
- 32.0224 Penalty Provisions.

32.021 Duty to Report Animal Bites.

It shall be the duty of any person having knowledge that any animal subject to rabies, whether or not the animal is suspected of having rabies, has bitten any human being within the unincorporated areas of the County to immediately report that fact to the Health Officer or to the Sheriff with full information in regard to the incident.

Amended Ordinance #1764 (1972);

32.022 Confinement of Biting Animal.

Upon receipt of a report that a person has been bitten by an animal subject to rabies (all warm-blooded mammals), any person authorized to enforce the provisions of this chapter, is hereby empowered to enter upon any private property, including the home or residence where the biting animal is kept or has strayed, to inspect and strictly isolate, and to seize and impound if necessary, in a place and manner approved by the County Health Officer, any such animal for a period of ten (10) days (for dogs and cats) and fourteen (14) days (for other animals). Excepted are rodents, (members of the order Rodentia) rabbits and hares (members of the order Lagomorpha).

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Notwithstanding the foregoing provisions, the Health Officer may authorize, with permission of the owner, if known, and other legal restrictions permitting, the euthanasia of a biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in the County Health Department Laboratory.

It shall be unlawful for any person to remove from any place of isolation or quarantine, any animal which has been isolated or quarantined under the provisions of this chapter, without the consent of the Health Officer.

Amended Ordinance #1764 (1972);

32.023 Reporting and Confinement of Rabid Animals.

It is the duty of any person having knowledge of the whereabouts of an animal known to have or suspected of having rabies to report the fact immediately to the Health Officer. If such person is the owner or possessor or has custody of such animal, he shall immediately confine it and keep said animal strictly confined until it shall be established to the satisfaction of said official that such animal has or has not rabies.

Where such owner or possessor does not have the proper facility for such confinement, or where the owner of such rabid or suspected rabid animal is not known, such animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian in a pound, veterinary hospital, or other adequate facility in a manner approved by the County Health Officer, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies. If such animal creates a menace to the public health and safety, the Health Officer or his representative may kill or destroy the animal forthwith and examine it for rabies in the laboratory using the fluorescent rabies antibody (FRA) test in the County Health Department Laboratory.

Whenever any such owned biting animal is quarantined in a place other than the premises of its owner, all expenses incurred in its confinement shall be the liability of the owner, possessor or custodian of such biting animal.

Amended Ordinance #1764 (1972);

32.024 Disposition of Animals Bitten by Rabid Animals.

Any animal that is subject to rabies which has been exposed to a known rabid animal or suspected rabid animal shall, upon notification of its owner, possessor or custodian, be:

(a) immediately securely confined in a place and manner approved by the Health Officer for a period of six (6) months; or

(b) Immediately destroyed unless the biting animal is determined by laboratory examination to be negative from rabies; except that in the case of dogs and cats, the following alternative is permitted:

(1) The dog or cat shall be revaccinated and then quarantined for a period of thirty (30) days provided such dog or cat has been vaccinated not less than thirty (30) days, with a rabies vaccine approved by the California State Department of Public Health.

The Health Officer may, in his discretion, kill or quarantine the animal so bitten, in case the owner, possessor or custodian, thereof shall fail to do so immediately, or in case the owner, possessor or custodian thereof is not readily accessible or is not known.

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The carcass of any dead animal exposed to rabies will, upon demand, be surrendered to the Health Officer. Upon the discretion of the Health Officer, the County Health Laboratory shall examine for rabies specimens of high-risk or medium-risk animals involved in a biting incident. Specimens of low-risk animals may be examined upon payment of reasonable laboratory fees.

Amended Ordinance #1512 (1969); Amended Ordinance #1764 (1972); Amended Ordinance #2354 (1979);

32.025 Posting of Quarantine Sign.

It shall be the duty of any person authorized to enforce the provisions of this chapter to post an appropriate sign in a conspicuous place at a location where a dog or cat or any biting, vicious or rabid animal is being quarantined or confined to warn the public of this fact. It shall be unlawful for anyone to obstruct the posting of such a sign or to remove or destroy such a posted sign without permission of the Health Officer.

Amended Ordinance #1512 (1969); Amended Ordinance #1764 (1972);

32.026 Prohibiting the Keeping and Sale of Skunks.

It shall be unlawful for any person, firm or corporation to (a) trap or capture skunks for pets; (b) trap, capture or hold skunks in captivity for sale, barter, exchange or gift; and (c) transport skunks from or into the County, except that the importation or exportation of skunks may be permitted by the Health Officer for recognized zoological gardens or research institutions.

Amended Ordinance #1764 (1972);

32.027 Possession of Unvaccinated Dogs.

It shall be unlawful for any person within the County of San Bernardino, outside municipal corporations, to own, have an interest in, harbor and feed, or have the care, charge, custody, or possession of a dog over the age of four (4) months, whether such dog is confined or not, unless such dog has a current vaccination with the rabies vaccine approved by the California State Department of Public Health and is officially tagged as provided for in this chapter. Said vaccine shall be used exclusively to vaccinate all dogs within the County of San Bernardino. Vaccination with said vaccine shall be valid for a period not to exceed one (1) year when administered to a dog under one (1) year of age, or three (3) years when administered to a dog over one (1) year of age.

Amended Ordinance #1764 (1972); Amended Ordinance #3402 (1990);

32.028 Vaccination.

Said rabies vaccination shall be performed only by a veterinarian who is duly licensed to practice in the State of California. Vaccination for rabies may be done in any veterinary clinic or hospital or in a low-cost rabies vaccination clinic sponsored by the County or any incorporated city.

Amended Ordinance #1764 (1972);

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32.029 License Responsibility.

(a) Every resident in the unincorporated areas of San Bernardino County who owns, has an interest in, harbors and feeds, or has the care, charge, custody, or possession of a dog four (4) months of age or over, and whether such dog is confined or not, shall obtain a San Bernardino County dog license for such a dog. Each dog shall have a current rabies vaccination as evidenced by a valid rabies certificate issued by the veterinarian who performed the vaccination as a requisite to licensing. Provided further that rabies vaccination certificate shall not be required if the license is obtained at the time the dog is vaccinated at a County or City low-cost clinic.

(b) While a dog is being used as a guard dog within the unincorporated area of San Bernardino County, it must have a San Bernardino County dog license and the license tag must be securely fixed to the dog's collar regardless of where the owner resides and whether a license has been obtained for that jurisdiction.

Amended Ordinance #1764 (1972); Amended Ordinance #2354 (1979);

32.0210 License Application.

Each application for a license shall be in writing upon a form to be furnished by the Health Officer, and shall contain such information as the Health Officer, by rule or regulation, shall require.

Amended Ordinance #1764 (1972);

32.0211 License Fees.

Each application for a dog license shall be accompanied by a license fee as specified in the County fee schedule, and shall be obtained;

(a) Within a period of thirty (30) days after expiration of a San Bernardino County dog license;

(b) Within thirty (30) days after said dog attains the age of four (4) months;

(c) Within fifteen (15) days after the purchase or obtaining control, care or custody of a dog which previously attained the age of four (4) months, and provide further the proof of recent acquisition as indicated by the date of purchase receipt as shown at the time of application; or

(d) Within thirty (30) days after the date of establishing residency in the County provided further that said dog had a current license from another county or a city, and within fifteen (15) days if said dog has no current license.

Amended Ordinance #1764 (1972); Amended Ordinance #1795 (1973); Amended Ordinance #2000 (1975); Amended Ordinance #3208 (1988); Amended Ordinance #3402 (1990);

32.0212 Exceptions to Vaccination.

Notwithstanding the provisions of this chapter, a dog may be exempted from rabies vaccination if such vaccination would jeopardize the health of such dog due to infirmity or other disability provided the owner has in his possession a written certification from a licensed veterinarian attesting to such infirmity or disability. The owner or custodian of such dog shall, within ten (10) days after the termination of such infirmity or disability,

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cause such dog to be vaccinated and licensed. Any such dog with infirmity or disability shall be securely confined within its owner's or harborer's premises so that it does not come in contact with any other animal or person.

Amended Ordinance #1764 (1972);

32.0213 Penalty Fee.

Any person who obtains a license not in conformity with any of the provisions of Section 32.0211, shall pay a penalty fee as specified in the County Fee Schedule in addition to the regular license fee.

Amended Ordinance #1764 (1972);

32.0214 Effective Duration of License.

The San Bernardino County dog license shall remain valid for a period not less than one (1) month and not greater than thirty-six (36) months.

Amended Ordinance #1764 (1972); Amended Ordinance #3402 (1990);

32.0215 Duplicate License Tag.

When the original license tag is lost, a duplicate tag shall be obtained upon submission to the Health Officer such proof as he may require. The cost of each duplicate tag shall be as specified in the County Fee Schedule.

Amended Ordinance #1764 (1972);

32.0216 Wearing of Tag.

It shall be the responsibility of every County resident who owns, harbors, cares for, or has in custody a licensed dog, to securely attach or fasten the license tag to the dog's collar or harness so that such tag is worn by the dog at all times except while such dog remains indoors or in any enclosed yard or pen where the dog cannot escape.

Amended Ordinance #1764 (1972);

32.0217 Falsification of License Tag.

It shall be unlawful for any person to place upon or attach to a dog any false, counterfeit or unauthorized tag for the purpose of evading the provisions of this chapter.

Amended Ordinance #1764 (1972);

32.0218 Unlawful Use of Tag.

It shall be unlawful to attach a license tag on a dog to which said tag was not originally issued.

It shall be unlawful to attach a license tag to any dog that does not have a current rabies vaccination.

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It shall be unlawful for an unauthorized person to remove from any dog, any collar or harness or other device to which is attached a San Bernardino County license tag for the current year or remove such tag therefrom.

Amended Ordinance #1764 (1972);

32.0219 Exemption of Payment of License Fee.

(a) The Health Officer may, upon his/her discretion, issue a license without payment of the required license fee to an owner or custodian of a dog, if such dog meets the following conditions:

(1) Such dog is a guide dog and the owner is blind or deaf and can submit proof that such dog has been successfully trained to lead the blind or aid the deaf as a guide dog.

(2) Such dog is a service dog and the owner is handicapped and can submit proof that such dog has been successfully trained to aid the handicapped as a service dog.

Amended Ordinance #1764 (1972); Amended Ordinance #3402 (1990);

32.0220 Categories of Dogs Not Requiring License.

San Bernardino County license is not required for the following categories of dogs, however, they must have a current rabies vaccination:

(a) Any dog within the unincorporated areas of the County when the owner thereof resides in any municipality within the County, and such dog is wearing or has attached to it a license tag for the current year issued by such municipality.

(b) Any dog owned by or in the charge of any person who is a nonresident of the County and is traveling through the County or temporarily sojourning therein for a period of not exceeding thirty (30) days.

(c) Any dog brought into the County and kept therein for a period not exceeding thirty (30) days for the exclusive purpose of entering the same in any bench show or dog exhibition or field trials or competition.

(d) Any dog brought or sent into the unincorporated territory of the County from any point outside thereof for the exclusive purpose of receiving veterinary care in any dog hospital, in the event that such dog is kept at all times strictly confined within such hospital.

(e) Dogs kept for the sole purpose of being used for research in research institutions approved by the California State Department of Public Health.

(f) Dogs over four (4) months of age which are offered for sale in a duly licensed pet shop or dog kennel.

Amended Ordinance #1764 (1972);

32.0221 Transfer of Ownership.

If a currently licensed dog is sold or title to the dog is otherwise transferred to a new owner, such new owner may apply to the Health Officer for a transfer of such dog's tag and license and pay a transfer fee as specified in the County Fee Schedule. Upon receipt of such application fee, the Health Officer shall issue a certificate of transfer of such tag and the name and addresses of the owner and new owners.

Amended Ordinance #1764 (1972); Amended Ordinance #3402 (1990);

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32.0222 Renewal of License.

Each San Bernardino County dog license shall expire on the date recorded on the license receipt and shall be renewed:

- (a) Prior to expiration or within a period of thirty (30) days after expiration.
- (b) Within one hundred and twenty (120) days after license expiration, or thirty (30) days after expiration of the vaccination, whichever date is later if rabies vaccination expires during the period of July 1, 1990, through October 31, 1990.

Amended Ordinance #1764 (1972); Amended Ordinance #3402 (1990)

32.0223 Authority to Enter Any Premises.

The Health Officer shall have the authority to enter upon any area or premises to enforce the provisions of this chapter.

Amended Ordinance #1764 (1972);

32.0224 Penalty Provisions.

Any person violating any of the provisions of this chapter shall be guilty of an infraction and upon being found guilty thereof, shall be punished as set forth in Section 11.021 of this Code, pertaining to the penalty for infractions.

Amended Ordinance #1795 (1973); Amended Ordinance #2354 (1979)

DOG KENNELS

Chapter 3

DOG KENNELS

Sections:

- 32.031 Definitions.
- 32.032 Requirement of a Permit.
- 32.033 Regulation.
- 32.034 Construction.
- 32.035 Required Vaccinations.
- 32.036 Kennel Operations.
- 32.037 Penalties.

32.031 Definitions.

For the purpose of this chapter, the following definitions shall be used:

(a) "Dog" means a domesticated animal of the canine type; young animals (puppies) of this type are considered as dogs.

(b) "Kennel" means a place where five (5) or more dogs over four (4) months of age are kept. The term "kennel" shall not apply to animal shelters operated by governmental agencies, or nonprofit societies for the care of stray dogs nor shall the term apply to veterinary hospitals keeping animals in the course of medical treatment.

(c) "Breeding kennel" means a kennel in which dogs are kept for the primary purpose of breeding.

(d) "Boarding kennel" means a kennel in which dogs owned by persons other than the kennel owner/operator are being cared for.

(e) "Boarding and breeding kennel" means a kennel in which dogs are kept for boarding, breeding, training, marketing, or other purposes.

(f) County Health Officer means the San Bernardino County Health Officer, or any other person duly authorized to act on his/her behalf.

Adopted Ordinance #1093 (1963); Amended Ordinance #1455 (1968); Amended Ordinance 3908 (2004);

32.032 Requirement of a Permit.

Every person, firm or corporation engaged in operating, control, or management of a kennel as herein defined shall obtain a permit from the County Health Officer and shall pay an annual permit fee as specified in the County Fee Schedule.

Adopted Ordinance #1093 (1963); Amended Ordinance #1455 (1968); Amended Ordinance #3399 (1990);

32.033 Regulation.

(a) No kennel shall be allowed to exist/operate unless proper land use regulations are met through the Office of Planning and/or Environmental Health Services prior to applying for a kennel permit from the Department of Public Health.

(b) Any building or structure used in the housing or maintaining of said animals shall be approved by the County Building and Safety Department.

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(c) All dogs owned by, under the control of or in the possession of a kennel operator shall be subject to provisions of this chapter upon attaining the age of four (4) months. The County Health Officer shall have the power, upon the giving of ten (10) days notice by United States Postal Service to any permittee under this chapter and an opportunity to be heard, to revoke any permit granted to a kennel operator for violation of this chapter. Orders of the County Health Officer revoking a permit issued under this Chapter shall be appealable to the County Board of Supervisors who may appoint a hearing officer to conduct a hearing on their behalf pursuant to County Code § 12.270, et seq. Permittee shall request an appeal hearing within thirty (30) days from the mailing of notice of revocation to the permittee. The decision of the Board of Supervisors on such revocation appeal shall be final.

(d) All dogs being kept or boarded in kennels shall be vaccinated pursuant to Section 32.035 of this chapter and licensed in the name of their owner. Failure to comply with this requirement shall be considered a violation of this chapter by the permittee.

Adopted Ordinance #1093 (1963); Amended Ordinance #1455 (1968); Amended Ordinance #3399 (1990);

32.034 Construction.

(a) Adequate housing shall be provided for the protection of dogs from the elements.

(b) Kennel runs shall be effectively enclosed by suitable fencing such as chain link, smooth concrete block, or other suitable fencing material. The exterior area of the premises shall be completely fenced or otherwise enclosed.

(c) Outside runs or properly constructed indoor runs shall be provided in all kennels.

(1) Boarding kennel runs shall be constructed of concrete or other suitable type nonporous material. The floor shall slope one-fourth (1/4) inch per foot to a drain or to a drainway. All drains shall be properly plumbed, trapped, and vented and shall be connected to an approved underground disposal system which shall consist of a septic tank or seepage pit or leaching line as required by the Health Officer. Adequate ventilation must be provided for kennels with indoor runs. Each run shall be separated by a solid partition.

(2) Breeding kennel outdoor runs may be constructed of four (4) inch minimum thickness of pea gravel or other suitable aggregate. Indoor runs must be constructed as provided in (C)(1) above.

(d) Kennels shall not be constructed closer than one hundred (100) feet from any structure on adjacent property used for human habitation nor closer than forty (40) feet to any dwelling on the premises, except that of the owner/operator's home.

(e) Provisions shall be made in boarding and breeding kennels for the separation of kennel-owned dogs from those owned by other persons.

(f) Kennel operators shall take such measures as may be necessary to mitigate the occurrence of excessive barking or any noise that constitutes a public nuisance.

Adopted Ordinance #1093 (1963); Amended Ordinance #1455 (1968); Amended Ordinance #3399 (1990);

DOG KENNELS

32.035 Required Vaccinations.

(a) All dogs four (4) months of age or older shall be currently vaccinated against rabies with a rabies vaccine approved by the California State Department of Health Services. Said rabies vaccination shall be performed only by a veterinarian who is duly licensed to practice in the State of California.

(b) In addition to such rabies vaccinations as may be required by this chapter, operators of boarding kennels and boarding and breeding kennels shall require proof that every dog kept, boarded or maintained at their facility shall be vaccinated against the following infectious and communicable diseases: canine distemper, Bordetella bronchiseptica infection, canine adenovirus infection, canine corona virus infection, canine parainfluenza virus infection, canine parvovirus infection, and Leptospira canicola and icterohemorrhagie.

Adopted Ordinance #1093 (1963); Amended Ordinance #1455 (1968); Amended Ordinance #3399 (1990);

32.036 Kennel Operations.

(a) Boarding kennels and boarding and breeding kennels shall maintain records of all animals being boarded which shall be available to the Health Officer or his/her deputy as necessary. With respect to each boarded animal, such records shall include, but not necessarily be limited to, the following information:

- (1) A physical description of the animal;
- (2) Documentary proof of current vaccinations as required under Section 32.035 of this chapter;
- (3) Name and address of the animal's owner;
- (4) Date and time of the animal's arrival at the kennel with the name and address of the person leaving the animal, if other than the animal's owner; and
- (5) Date and time of the animal's departure from the kennel, and the name and address of the person picking up the animal, if other than the animal's owner.

(b) Dogs owned by kennel operators which are allowed outside the confines of the kennel shall be vaccinated as required under Section 32.035 of this chapter, individually licensed, and shall have current license tag attached to the collar.

(c) All kennels, runs, buildings and other equipment and facilities used for the care of dogs shall be cleaned daily and shall be disinfected as necessary to prevent the spread of disease. Boarding kennels and boarding and breeding kennels shall disinfect all facilities used in the care of the dogs between each separate usage.

(d) All droppings shall be removed from kennel daily. Soiled papers and bedding material shall be removed from the kennel as frequently as necessary to maintain the kennel in a clean, sanitary manner. All such waste material shall be disposed of in a manner satisfactory to the Health Officer.

(e) Provisions shall be made for convenient access to clean food and water. Food and water containers shall be kept clean and sanitary. Animal feed shall be properly stored and protected from contamination and vermin infestation.

(f) The operator of every dog kennel shall be responsible to take appropriate preventive measures to preclude outbreaks of infectious and contagious diseases, and external parasites.

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(g) It shall be a violation of this chapter to sell, give away, release, or otherwise dispose of an animal except for euthanasia, which has or is suspected of having or has been exposed to any contagious or infectious disease transmissible to other animals or to man, including but not limited to those diseases specified in Section 32.035 of this chapter and such other diseases as the Public Health Officer may from time to time designate. All such disease shall be reported to the County Health Officer or Public Health Veterinarian.

(h) Adequate provisions shall be made for the disposal of dead animals which shall be satisfactory to the Health Officer.

(i) All dogs upon reaching the age of four (4) months shall be vaccinated against rabies as provided herein, and when sold, the purchaser shall be provided with a copy of the "Certificate of Vaccination" issued by the veterinarian and shall be advised to secure a dog license tag within thirty (30) days from the date of purchase.

(j) The requirements of this section shall also apply to humane societies and pet shops.

Adopted Ordinance #1093 (1963); Amended Ordinance #3399 (1990);

32.037 Penalties.

Any person violating any of the provisions of Chapters 1, 2 or 3 of this division shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for a period of not more than one hundred (100) days, or both such fine and imprisonment.

Adopted Ordinance #1093 (1963); Amended Ordinance #3399 (1990);

HOGS - GARBAGE-FEEDING HOG RANCHES

Chapter 4 HOGS - GARBAGE-FEEDING HOG RANCHES

Sections:

- 32.041 Maintenance.
- 32.042 Feeding Floors.
- 32.043 Storage Bins.
- 32.044 Garbage in Pens.
- 32.045 Water Troughs.
- 32.046 Hog Wallows.
- 32.047 Floors.
- 32.048 Dead Animals and Animal Refuse.
- 32.049 Violations.

32.041 Maintenance.

All places where garbage is fed to hogs shall be maintained in a sanitary condition and in accordance with the provisions hereof.

Adopted Ordinance #527 (1958);

32.042 Feeding Floors.

All garbage fed to hogs shall be upon feeding floors, which feeding floors must be of concrete and so constructed as to permit controlled drainage; such drainage must be to the outside of the pens and not accessible to hogs and must be disposed of in a manner not to create a nuisance. The surface of all feeding floors must be maintained smooth enough to permit efficient cleaning. All feeding floors must have all refuse, garbage, and manure removed therefrom at least once daily, after which they must be flushed with water and drained; except, that feeding floors in open lots where brood sows or young shoats only are kept, will be considered as cleaned when they are entirely dry after sweeping.

Adopted Ordinance #527 (1958);

32.043 Storage Bins.

No vat, bin, or other receptacle for the storage of garbage shall be maintained unless the entire receptacle is above the level of the ground and watertight and so equipped that the same may be washed, scrubbed and drained and all such receptacles must have all garbage removed and be thoroughly washed and cleaned at least once each day when in use.

Adopted Ordinance #527 (1958);

32.044 Garbage in Pens.

No garbage shall be left in any hog pen or in the vicinity of any hog pen longer than from the day it is received or fed until the next day. No refuse garbage shall be left in any such pen longer than from the day it is received until the next day.

Adopted Ordinance #527 (1958);

HOGS - GARBAGE-FEEDING HOG RANCHES

32.045 Water Troughs.

All water troughs for the watering of hogs must be constructed in such manner and so covered as to permit hogs to drink, but to prevent as far as possible, the entry of other than their heads into the water trough. All water troughs must be kept clean and provided with clean water. All water troughs must be connected with efficient drainage and must not be permitted to overflow, except such water troughs as may be located in open lots, where brood sows or young shoats only are maintained. The surface for a radius of at least six (6) feet from all such water troughs must be of concrete or other mireproof material.

Adopted Ordinance #527 (1958);

32.046 Hog Wallows.

No hog wallows or mire will be permitted in any hog pen or lot, except drain-equipped concrete walls, upon which must be maintained a floating surface of at least one-half inch heavy oil or water in which must be contained a proper percentage of approved disinfectant. All such concrete *wallows must* have their contents *removed* and be cleaned frequently enough to maintain clean material in them. Hogs may have access to running streams of water, provided no wallows are maintained adjacent to such streams; and further provided, that such access to streams by hogs will not create a menace to public health.

Adopted Ordinance #527 (1958);

32.047 Floors.

Floors of all houses where hogs may enter, *must* be of concrete or watertight boarding and must be maintained in a clean condition. The use of clean bedding upon such floors will be permitted.

Adopted Ordinance #527 (1958);

32.048 Dead Animals and Animal Refuse.

Dead animals or animal refuse, other than garbage as hereinbefore defined, shall not be fed to hogs unless first sterilized by heat.

Adopted Ordinance #527 (1958);

32.049 Violations.

A violation of any of the terms or provisions of this chapter shall be a misdemeanor, and upon conviction shall be punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment of not to exceed thirty (30) days, or by both such fine and imprisonment.

Adopted Ordinance #527 (1958);

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Chapter 5

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Sections:

- 32.051 Definitions.
- 32.052 Duties of Public Health Veterinarian.
- 32.053 Quarantine.
 - (a) Livestock with Infectious Disease Outside this County.
 - (b) Investigation of Diseased Livestock Within this County.
 - (c) Damage or Removal of Quarantine Notices.
 - (d) Containment of Cattle.
- 32.054 Cattle Disease.
 - (a) Glanders.
 - (b) Foot and Mouth.
- 32.055 Public Health Veterinarian Advisory Duties.
 - (a) As Consultant to Rabies Control Program.
 - (b) As Consultant to Glen Helen Ranch Manager.
- 32.056 Permits for Removal of Livestock.
 - (a) Removal of Livestock from Slaughterhouse.
 - (b) Removal of Livestock from Stockyard Corral.
 - (c) Inspection of Livestock; Conditions of Permit.
- 32.057 Importation of Livestock and Tuberculosis Control.
 - (a) Livestock Affected with Contagious, Infectious or Communicable Disease.
 - (b) Livestock Placed in an Approved Stockyard.
 - (c) Removal of Livestock to Public Stockyard.
 - (d) Report of Arrival.
 - (e) Restrictions on the Movement of Imported Cattle.
 - (f) Tuberculin Test.
 - (g) Quarantine.
 - (h) Prohibiting the Sale of Untested Cattle.
 - (i) Expense of Test.
 - (j) Identification of Cattle Affected with Tuberculosis - Slaughter Restricted.
 - (k) Livestock to be Confined for Examination and Testing.
 - (l) Disposition of Livestock in Violation of this Chapter.
- 32.058 Duty to Report Information.
- 32.059 Maintenance of Places Where Livestock are Kept or Meat Products are Prepared.
- 32.0510 Miscellaneous Regulations.
 - (a) Duty to Report Information.
 - (b) Distribution of Milk or Cream From Diseased Cattle - Prohibited.
 - (c) Sanitary Conditions for Places Housing Cattle and for Milk Processing Equipment.
 - (d) Sanitary Conditions of Places Supplying Meat and Fish Products.
 - (e) Conflict of this Division with State and Federal Laws.
 - (f) Penalties.
- 32.0511 Repealed by Ordinance 3105.

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32.051 Definitions.

The term "Public Health Veterinarian" shall include any veterinarian of the County so designated in the County Health Department, and shall include and mean the same officer formerly designated as County livestock inspector, and shall be deemed a continuation of the same office, and shall include all powers, duties, and prerequisites of the former office, except as in this chapter otherwise set forth.

The word "person" as used herein shall be construed to mean any person, firm, company, association, or corporation, their agents or employees.

The term "livestock" as used herein shall be construed to mean any horses, mules, asses, cattle, sheep, goats, hogs, poultry, rabbits, dogs, or any animal or animals ordinarily considered as wild animals which are kept in captivity or under control or ownership of any person for any purpose.

The term "immediate slaughter" as used herein shall be construed to mean and apply to livestock shipped to the plant or premises of a firm regularly engaged in the slaughter of animals under approved inspection.

The term "stockyards" as used herein shall be construed to mean and apply to any stockyard, corral, or premises wherein public trading in livestock is carried on, or where yarding, feeding and watering facilities are provided, and where Federal, State or County inspection is maintained for the inspection of livestock for infectious diseases.

The term "tuberculin test" as used herein shall be construed to mean any test approved by the Agricultural Research Service, United States Department of Agriculture, for the detection of tuberculosis in animals.

The term "infectious disease" as used herein shall be construed to include any infectious, contagious, or communicable diseases considered by the Public Health Veterinarian to be dangerous to the welfare of the County of San Bernardino and to the health of the livestock therein, sufficient to warrant putting into effect the provisions of this chapter and his rules and regulations.

An "accredited veterinarian" is one who shall have passed an examination conducted by the Director of Animal Industry of the State Department of Agriculture of California and the United States Agricultural Research Service, and whose name is upon the list of veterinarians approved by the United States Department of Agricultural Research Service.

A "modified accredited area" is an area declared by the Chief of the United States Agricultural Research Service when the percentage of tuberculosis cattle therein is reduced to meet the requirements of "modified accredited areas" as adopted by the United States Agricultural Research Service.

Adopted Ordinance #970 (1961); Amended Ordinance #3105 (1986);

32.052 Duties of Public Health Veterinarian.

It shall be the duty of the Public Health Veterinarian, acting in cooperation with the State Veterinarian, to enforce all laws of the State of California and all lawful ordinances and regulations passed, enacted, promulgated, or approved by the Board of Supervisors of the County of San Bernardino, pertaining to the health and sanitary environment of the livestock of the County.

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The County Public Health Veterinarian is empowered to establish, maintain, and enforce such quarantine, sanitary, and immunizing measures and promulgate such rules and regulations as he may deem necessary and which shall be approved by the Board of Supervisors.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.053 Quarantine.

The Public Health Veterinarian shall regulate the movement and transportation of livestock from stockyards, corrals, feed yards, and other places; examine and test, or supervise examination and testing of animals and premises for the presence of infections or communicable diseases; provide for the sanitation of plants and premises upon which livestock are kept, sold, or confined; and enforce such ordinances and regulations as may be adopted to promote and protect livestock and people from diseases and conditions adversely affecting their health. He shall investigate cases and outbreak of infections and communicable diseases, the presence of which may constitute a menace to the health of livestock and the human population of the County.

(a) **LIVESTOCK WITH INFECTIOUS DISEASE OUTSIDE THIS COUNTY.** When the Public Health Veterinarian shall have determined that an infectious disease exists among livestock in any other county or area of the State of California and the importation of livestock from such county or area might spread such disease among the livestock within the County of San Bernardino, the Public Health Veterinarian shall notify the Board of Supervisors thereof, designating and describing the county or area wherein such disease has been found and shall, with their approval, establish quarantine restrictions against such county or area as the circumstances shall warrant. The Public Health Veterinarian may refuse to permit shipments of livestock originating in such areas to enter the County of San Bernardino unless accompanied by a certificate signed by a State or Federal veterinarian which shall satisfactorily prove that there is no possibility that the livestock for which such certificate is issued are infected with or exposed to all infection from such disease.

(b) **INVESTIGATION OF DISEASED LIVESTOCK WITHIN THIS COUNTY.** Upon information received by the Public Health Veterinarian of any infectious disease affecting livestock within the County of San Bernardino, he shall proceed to thoroughly investigate the same. The Public Health Veterinarian is hereby empowered to enter any premises where livestock is kept, or on which he has reason to believe that livestock is kept, in order to carry into effect the provisions of this chapter, and it shall be unlawful for any person to interfere with the official action of the Public Health Veterinarian. The Public Health Veterinarian may quarantine, for a reasonable period of observation and until such tests as may be required to ascertain the presence or absence of any infectious disease are completed, any animals which are suspected of being infected with or exposed to an infectious disease. Upon discovery of any infectious disease affecting livestock in the County of San Bernardino, the Public Health Veterinarian shall have the power and it shall be his duty to establish such quarantine, sanitation, testing, immunizing and police regulations as may be necessary to control or eradicate such diseases and prevent the spread thereof to other livestock. The Public Health Veterinarian may quarantine any livestock which may have been located upon the land or premises where such diseased livestock has been kept, and thereafter it shall be unlawful for any person to break such quarantine or to move or allow to be moved any such livestock from within the premises thus quarantined, or across the quarantine line so established, without first obtaining from the Public Health Veterinarian a permit to do

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so. If the Public Health Veterinarian shall deem it proper to issue such a permit, after inspection he may cause such livestock, premises, and vehicles of transportation and any infected material, equipment or effects to be properly cleaned and disinfected.

(c) **DAMAGE OR REMOVAL OF QUARANTINE NOTICES.** It shall be unlawful for any person during the existence of such quarantine to remove, tear, deface, mutilate, obscure, or otherwise destroy or in any other manner whatsoever interfere with any placard, notice, or proclamation declaring such quarantine, placed on or about the premises on which any of said animals so quarantined are located.

(d) **CONTAINMENT OF CATTLE.** It shall be unlawful for any person to permit any livestock so quarantined to have access to any irrigation ditch, stream, or other channel in which water is running, or to allow such livestock to come in contact with other livestock which may have access to any irrigation ditch, stream or other channel so mentioned, or to permit the depositing in such irrigation ditch, stream, or channel of any manure, offal, excrement or material which might carry infection, or to allow the drainage from any premises so quarantined to come in contact with such irrigation ditch, stream or other channel aforementioned.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.054 Cattle Disease.

(a) **GLANDERS.** It shall be the duty of the Public Health Veterinarian, whenever the fact shall have been determined by him that any livestock is affected with the disease known as glanders, to kill such diseased livestock and have the premises thoroughly cleaned and disinfected, and to order the owner of such livestock to cremate or bury such livestock. If the owner of such livestock fails, neglects or refuses to bury or cremate same within a period of twenty-four (24) hours from the issuance of such order, the Public Health Veterinarian shall cause the same to be buried or cremated at the expense of the County, and the expense of such burial or cremation shall be charged against such owner to be recovered by action in the name of the County of San Bernardino.

(b) **FOOT AND MOUTH.** When the Public Health Veterinarian shall have reason to believe that there is a possibility that foot and mouth disease exists on any premises in the County of San Bernardino, he shall have the power to enter said premises and to place and keep thereon such animals as may be necessary to determine the presence of foot and mouth disease in accordance with the rules and regulations of the United States Bureau of Animal Industry, and to keep them there under his supervision and control for a period not to exceed fifty (50) days.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.055 Public Health Veterinarian Advisory Duties.

The County Public Health Veterinarian shall also serve as:

- (a) Advisor and consultant in the Rabies Control Program.
- (b) Consultant to the Glen Helen Ranch manager or his successor, and shall supervise the health of all animals kept by the County.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

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32.056 Permits for Removal of Livestock.

(a) REMOVAL OF LIVESTOCK FROM SLAUGHTERHOUSE. It shall be unlawful for any person to remove or to allow to be removed except for immediate slaughter, any livestock from any stockyard owned, controlled or operated by or in connection with or incidental to the operation of any slaughter or packing house, except on permits issued by the Public Health Veterinarian.

(b) REMOVAL OF LIVESTOCK FROM STOCKYARD, CORRAL. It shall be unlawful for any person to remove or to allow to be removed, any livestock from any stockyard, corral or premise maintained for the feeding or conditioning of livestock for any purpose other than immediate slaughter without having secured permit from the Public Health Veterinarian.

(c) INSPECTION OF LIVESTOCK; CONDITIONS OF PERMIT. The Public Health Veterinarian shall issue permits for the removal of livestock from stockyards, upon finding by inspection that such livestock is free from any infectious disease. Findings as to the presence or absence of such infectious disease shall be final; provided however, that such permit may be granted conditional on such treatment, immunizing, dipping or other curative or preventative measures as may be necessary for the public welfare.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.057 Importation of Livestock and Tuberculosis Control.

(a) LIVESTOCK AFFECTED WITH CONTAGIOUS, INFECTIOUS, OR COMMUNICABLE DISEASE. It shall be unlawful for any person to bring into or receive in, or to transport from place to place within the County of San Bernardino, except for the purpose of immediate slaughter, any livestock affected with any contagious, infectious or communicable disease, without a permit from the Public Health Veterinarian, except such diseased animals as are specifically permitted to enter the State of California and the County of San Bernardino under Federal or California State regulations and only under the conditions and for the purpose prescribed in the Federal and State regulations governing movement of livestock.

(b) LIVESTOCK PLACED IN AN APPROVED STOCKYARD. It shall be unlawful for any person to bring into or receive in the County of San Bernardino, any cattle, sheep, swine, or goats for any purpose other than immediate slaughter without a permit from the Public Health Veterinarian; provided however, that such cattle, sheep, swine, horses, or goats, other than cattle imported for dairy or breeding purposes, are unloaded from a vehicle into public stockyards where Federal, State, or County inspection is maintained for the inspection of livestock for infectious diseases, such permit shall not be required until they are to be removed from such stockyards. Such stockyards shall be approved by the Public Health Veterinarian and shall be so constructed as to permit human handling, proper control without inhumane crowding or delay, and thorough inspection including provision for restraining individual animals. They shall permit animals to be fed, rested, and watered with sufficient potable water. Proper drainage, and facilities for disinfections when required by the Public Health Veterinarian, and provisions for the removal of accumulations of manure and the prevention of the formation of mud and wallow, shall be supplied. Such approval may be withdrawn in the event such stockyards at any time fail to comply with the requirements of this section.

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(c) REMOVAL OF LIVESTOCK TO PUBLIC STOCKYARD. All livestock entering the County of San Bernardino for the purpose of immediate slaughter by any method of transportation or by driving on hoof, must be moved directly to a public stockyard or to the premise upon which they are to be slaughtered, except that such livestock in railroad shipments may be unloaded enroute in order to comply with the provisions of what is known as the "twenty-eight hour law" of the United States Department of Agriculture.

(d) REPORT OF ARRIVAL. Immediately upon the arrival of the cattle into the County of San Bernardino, the fact of such arrival shall be reported to the Public Health Veterinarian. The Public Health Veterinarian shall mark the cattle for identification with tags or otherwise, and make a record showing the date of arrival, description of the cattle, the name of the owner and of the person in charge of the cattle, and the place in which they are to be kept. No person shall remove or tamper with any identification mark placed on an animal by the Public Health Veterinarian for the purpose of identification.

(e) RESTRICTIONS ON THE MOVEMENT OF IMPORTED CATTLE. No person shall sell any cattle or move cattle from place to place within a period of one hundred twenty (120) days after their arrival, unless such cattle have been released by the Public Health Veterinarian.

(f) TUBERCULIN TEST. No person shall inject or cause to be injected, tuberculin into any cattle brought into the County of San Bernardino for a period of one hundred twenty (120) days after their arrival, except by permission of the Public Health Veterinarian.

(1) Restrictions on Injection. No person shall inject or cause to be injected, tuberculin into any cattle except when used in connection with a tuberculin test as defined in Section 32.051 of this chapter.

(2) Records. The following records of all cattle tuberculin tested in San Bernardino County must be filed with the Public Health Veterinarian within five (5) days after completion of the test: Owner, address or location of herd, number of cattle in the herd, number of cattle tested, number of cattle reacting, such description as would identify each animal tested, identification number of each animal tested.

(3) Removal of Cattle Before Completion. No person shall move from any premise, any cattle upon which a tuberculin test has been started until the same shall have been completed, without the permission of the veterinarian conducting such test, nor in any way interfere with the proper conduction of such test, after it shall have been started.

(g) QUARANTINE. Whenever the Public Health Veterinarian shall have cause to believe that there is danger that any cattle brought into the County of San Bernardino are afflicted with tuberculosis, he shall cause such cattle to be examined and tested for tuberculosis. Such test or tests may be made at any time within one hundred twenty (120) days after the arrival of such cattle into the County of San Bernardino.

(h) PROHIBITING THE SALE OF UNTESTED CATTLE. It shall be unlawful for any person to sell or offer for sale any cattle for dairy or breeding purposes in the County of San Bernardino, unless such cattle have been examined and tested for tuberculosis within thirty (30) days preceding such sale, by a Federal or State veterinarian, or the Public Health Veterinarian, or by a veterinarian duly authorized by such officials to apply such test; provided that this section shall not apply to cattle which have been regularly tested by representatives of the Federal or State Department of Agriculture under the laws, rules and regulations applicable to dairies operating under the Federal Accredited Herd Plan or the Agricultural Code of the State of California; and further provides that

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the thirty-day period may be waived by the Public Health Veterinarian.

(i) **EXPENSE OF TEST.** Whenever an owner requests of the Public Health Veterinarian that his cattle be tested for tuberculosis, the expense of such test shall be borne by the owner, unless said request shall be made under the provisions of the Agricultural Code of the State of California, and said owner shall agree in writing to conform in all respects to said State law and the rules and regulations of the Public Health Veterinarian applying to tuberculin tests and disposal of reacting animals, provided that whenever five (5) or less cattle are sold for dairy and breeding purposes and a test for tuberculosis is required under the provisions of this chapter, the Public Health Veterinarian shall, at the request of the owner thereof, conduct one such test without charge, within a period of six (6) months.

(j) **IDENTIFICATION OF CATTLE AFFECTED WITH TUBERCULOSIS SLAUGHTER RESTRICTED.** All cattle which are shown by examination or by tuberculin test to be afflicted with tuberculosis shall be immediately marked for identification by branding the letter "T" on the left jaw. The letter "T" used for the branding of reacting animals shall be three (3) inches in height from top to bottom and three (3) inches wide at the top, and the branding edge shall not be less than one-quarter ($\frac{1}{4}$) of an inch in width. No animals so branded shall be slaughtered or disposed of in any manner whatsoever, or removed from the premises where located when branded, unless permission is first obtained from the Public Health Veterinarian or from the Director of the State Department of Agriculture.

(k) **LIVESTOCK TO BE CONFINED FOR EXAMINATION AND TESTING.** The owner or person in charge of livestock shall properly confine in stanchions or chutes any livestock which the Public Health Veterinarian may designate for the purpose of examination, injection, observation, administration of tuberculin, mallein, or other specific tests or procedures. If the owner or person in charge refuses to properly confine such livestock for examination of test within twenty-four (24) hours after he is requested to do so by the Public Health Veterinarian, the Public Health Veterinarian may employ help and incur such expense as is necessary to properly control such livestock for the purposes mentioned. The expense so incurred shall be a lien upon said livestock and shall be recovered by action in the name of the County of San Bernardino, unless paid within ten (10) days after written notice of the amount has been given by the Public Health Veterinarian to the owner or person in possession of said livestock.

(l) **DISPOSITION OF LIVESTOCK IN VIOLATION OF THIS CHAPTER.** All livestock brought into the County of San Bernardino in violation of any of the provisions of this chapter shall be subject to quarantine, examination and test at the expense of the owner, by the Public Health Veterinarian who may dispose of such livestock to comport with the welfare of the County of San Bernardino and the protection of the health of the domestic livestock therein.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

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32.058 Duty to Report Information.

It is hereby made the duty of any person suspecting or having knowledge of the presence of any infectious diseases in livestock, to report the same to the Public Health Veterinarian. It shall be the duty of any person owning or having control of livestock to assist the Public Health Veterinarian to enforce the provisions of this chapter, to obey all orders of the Public Health Veterinarian made for the control and eradication of infectious diseases, the sanitation of premises, destruction of livestock, and disposal of carcasses, manure, offal, refuse, condemned meat and meat products.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.059 Maintenance of Places Where Livestock are Kept or Meat Products are Prepared.

It shall be unlawful for any person to maintain a rat menace where livestock is kept. Every premise where livestock is kept, fed, stabled or otherwise cared for, or any premise on which a hog ranch or slaughter house is maintained, or where meat products are prepared for food, shall be kept in a clean and sanitary condition.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.0510 Miscellaneous Regulations.

(a) DUTY TO REPORT INFORMATION. Upon the discovery of any contagious or infectious disease, it shall be the duty of the Public Health Veterinarian to immediately notify the State Veterinarian, setting forth the place, facts and circumstances of said cases.

(b) DISTRIBUTION OF MILK OR CREAM FROM DISEASED CATTLE - PROHIBITED. It shall be unlawful for any person or persons, firm or corporation to sell or offer for sale, or to use or give away in the County of San Bernardino, any milk or cream drawn from a cow known to be affected with tuberculosis, anthrax, or any other contagious or infectious diseases.

(c) SANITARY CONDITIONS FOR PLACES HOUSING CATTLE AND FOR MILK PROCESSING EQUIPMENT. All dairies or other places within the County of San Bernardino, where cows are kept for the purpose of supplying milk or cream, or their products to be sold, shall be kept in a clean and sanitary condition, and all milk-handling and processing equipment used in or about said dairies or other places where cows are kept for the purpose of supplying milk or cream or their products, shall be thoroughly sterilized in accordance with applicable sections of the Agricultural Code and Agriculture Administrative Code.

(d) SANITARY CONDITIONS OF PLACES SUPPLYING MEAT AND FISH PRODUCTS. All slaughter houses, markets and other places within the County of San Bernardino, from which meat, poultry, fish or game are supplied for human consumption shall be kept in a clean and proper sanitary condition.

(e) CONFLICT OF THIS DIVISION WITH STATE AND FEDERAL LAWS. No part or parts of this chapter shall be construed so as to prohibit or prevent the transportation of cattle through this County when such cattle are confined within railroad cars in conformity with State and Federal laws.

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(f) PENALTIES. Any owner or person in charge of livestock who causes a violation of this chapter, or of any regulation established by the authority of this chapter, or any person who violates or fails or refuses to comply with any provision of this chapter and regulations pertaining thereto, is guilty of a misdemeanor, and shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment in the County Jail of not more than six (6) months, or by both such fine and imprisonment.

Adopted Ordinance #527 (1958); Amended Ordinance #3105 (1986);

32.0511 Adopted Ordinance #1962 (1974); Repealed by Ordinance 3105 (1986).

CATTLE TUBERCULOSIS SUPPRESSION

Chapter 6

CATTLE TUBERCULOSIS SUPPRESSION

Sections:

- 32.061 Importation of Cattle Afflicted with Tuberculosis Prohibition.
- 32.062 Permit for Importation of Cattle.
- 32.063 Thirty-day Requirement and Tuberculin Test.
- 32.064 Tuberculin Testing of Dairy Cattle and Quarantine.
 - (a) Removal of Cattle Before Completion Prohibited:
- 32.065 Tuberculin-tested Cattle Milk.
 - (a) Annual Testing.
- 32.066 Importation of Milk or Milk Products.
- 32.067 Promulgation of Rules and Regulations.

32.061 Importation of Cattle Afflicted with Tuberculosis - Prohibition.

It shall be unlawful for any person, firm or corporation to bring into or cause to be brought into the County of San Bernardino, any cattle afflicted with tuberculosis, except for the purpose of immediate slaughter.

Adopted Ordinance #294 (1928);

32.062 Permit for Importation of Cattle.

It shall be unlawful for any person, firm or corporation to bring into or cause to be brought into the County of San Bernardino, any cattle except for the purpose of immediate slaughter, without first obtaining a permit to do so from the Public Health Veterinarian of said County, which permit shall designate as near as possible the number, class, and sex of the cattle to be brought in, the place from which they are to be brought, where they are to be delivered to, the date of their arrival, and the method of transportation.

Adopted Ordinance #294 (1928);

32.063 Thirty-day Requirement and Tuberculin Test.

It shall be unlawful for any person, firm or corporation to bring into or cause to be brought into the County of San Bernardino, any cattle for dairy purposes unless they are accompanied by a certificate signed by a Federal or State veterinarian or a veterinarian approved by the Federal or State Department of Agriculture, Bureau of Animal Industry, and the Public Health Veterinarian of said County, giving an adequate description of each animal, including ear-tag numbers and brands, showing that such cattle are free from tuberculosis by physical examination and tuberculin test performed within thirty (30) days of date of shipment into said County and certifying that the entire herd from which they came showed not more than 0.5% reactors, the thirty-day requirement for examination and tuberculin test may be waived in case of all cattle brought into the County of San Bernardino from Federal accredited herds or from Federal and State Control Area at the discretion of the Public Health Veterinarian.

Adopted Ordinance #294 (1928);

CATTLE TUBERCULOSIS SUPPRESSION

32.064 Tuberculin Testing of Dairy Cattle and Quarantine.

All dairy cattle brought into the County of San Bernardino shall be tested with tuberculin upon arrival, by the Public Health Veterinarian or by a veterinarian approved by the Public Health Veterinarian, and if 0.5% or over are found to be reactors to said tuberculin test, the herd may be quarantined for a period of sixty (60) days and be retested by said Public Health Veterinarian; the said Public Health Veterinarian may quarantine any cattle brought into the said County of San Bernardino, which he deems necessary for the prevention of contagious and infectious diseases and their spread. Beef breeding and range cattle are to be controlled by the State of California and the United States Control Area Plan. All dealers shall be required to fill out and file with the Public Health Veterinarian, a form approved by said Veterinarian, showing in detail from whom livestock was bought and to whom sold.

(a) REMOVAL OF CATTLE BEFORE COMPLETION PROHIBITED. No cattle shall be moved or transported during said period of quarantine and shall not be moved or transported thereafter without first obtaining and having a certificate of release from the Public Health Veterinarian.

Adopted Ordinance #294 (1928);

32.065 Tuberculin-tested Cattle - Milk.

It shall be unlawful for any person, firm or corporation to produce and offer for sale for human consumption, any milk or cream in the County of San Bernardino unless the cattle from which said milk is produced have been examined and tested for tuberculosis by an approved veterinarian or by a Federal or State Veterinarian of the Department of Agriculture, in compliance with the Pure Milk Law of the State of California.

(a) ANNUAL TESTING. All cattle in the County of San Bernardino that are used to produce milk or milk products for human consumption, must be examined and tested with tuberculin at least once annually, and if there are found any reactors in the herd, the reactors shall be removed and the herd must be tested semi-annually thereafter until there are no reactors found in the herd.

Adopted Ordinance #294 (1928);

32.066 Importation of Milk or Milk Products.

It shall be unlawful for any person, firm or corporation to transport and deliver from without the *County* of San Bernardino into the *County* of San Bernardino for human consumption, any milk or milk products unless said milk and milk products have been produced from cattle that are regularly tested for tuberculosis and from which all the reactors have been removed, in compliance with this chapter and under the provisions of the Agricultural Code of the State of California.

Adopted Ordinance #294 (1928);

32.067 Promulgation of Rules and Regulations.

The Public Health Veterinarian may from time to time, with the approval of the Board of Supervisors, promulgate such rules and regulations as shall be deemed proper to carry out the provisions of this chapter.

Adopted Ordinance #294 (1928);

TRANSPORTATION & MOVEMENT OF LIVESTOCK OVER PUBLIC AND PRIVATE LANDS

Chapter 7

TRANSPORTATION & MOVEMENT OF LIVESTOCK OVER PUBLIC AND PRIVATE LANDS

Sections:

- 32.071 Regulation, Consent Required.
- 32.072 Violation.
- 32.073 Civil Liability to County.
- 32.074 Injunction.
- 32.075 Cumulative Remedies.

32.071 Regulation, Consent Required.

(a) STRAY LIVESTOCK. It shall be unlawful for any person owning, or controlling the possession of cattle, sheep or any other livestock, to willfully or negligently permit any such livestock to stray upon or remain unaccompanied by a person in charge or control thereof upon any private or public property located within the County of San Bernardino outside the grazing areas described in subsection (c) below.

(b) DRIVEN LIVESTOCK. It shall be unlawful for any person to lead, drive, or conduct any animals over or across any private or public lands within the County of San Bernardino without obtaining prior consent of the private owner or public agency holding or governing such lands.

(c) GRAZING AREAS. The following portions of San Bernardino County are declared to be devoted chiefly to grazing:

(1) EASTERN COUNTY ALLOTMENTS: Beginning at the intersection of the San Bernardino and Inyo County line with the Nevada State Line;

Thence Southeasterly along said Nevada State Line to the East line of Section 30, Township 13 North, Range 20 East, San Bernardino Meridian;

Thence Southerly along section lines to the center line of a road bearing Southwesterly from the East line of Section 7, Township 12 North, Range 20 East, San Bernardino Meridian;

Thence Southwesterly along said center line to the East line of the west half of Section 18;

Thence in a straight line Southeasterly to the Northeast corner of Section 19;

Thence Southerly along section lines to the Northeast corner of Section 31;

Thence in a straight line Southwesterly to the Northeast corner of Section 13, Township 11 North, Range 19 East, San Bernardino Meridian;

Thence Southerly along section lines to the Southeast corner of Section 36;

Thence Westerly along the South line of said Section 36 to the Northeast corner of fractional Section 3, Township 10 North, Range 20 East, San Bernardino Meridian;

Thence Southerly along section lines to the North line of the Atchison, Topeka and Santa Fe Railroad right of way;

Thence Westerly along said North line to the East line of fractional Section

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31, Township 10 North, Range 20 East;

Thence Southerly along section lines to the North line of Interstate Route 40;

Thence Westerly along said North line to the range line between Ranges 19 and 20 East;

Thence Southerly along said range line to the Southeast corner of Township 6 North, Range 19 East, San Bernardino Meridian;

Thence Westerly along the South line of said Township to the Northeast corner of Section 5, Township 5 North, Range 19 East, San Bernardino Meridian;

Thence Southerly along section lines to the Township line between Townships 3 and 4 North;

Thence Westerly along said Township line to the range line between Ranges 16 and 17 East;

Thence North along said range line to the South line of Township 6 North, Range 17 East, San Bernardino Meridian;

Thence West along said South line to the West line of said Township 6 North, Range 17 East;

Thence North along said West line to the South line of the North half of Section 24, Township 6 North, Range 16 East, San Bernardino Meridian;

Thence West along said South line to the West line of said Section 24;

Thence along a straight line Northwesterly to the Southeasterly line of the Atchison, Topeka, and Santa Fe Railroad at the Danby Station;

Thence Northeasterly along said Southeasterly line to the South-easterly line of Old National Trails Highway;

Thence Northeasterly along said Southeasterly line of Old National Trails Highway to the South line of Interstate Route 40;

Thence Westerly along said South line of Interstate 40 to the East line of the West half of Section 4, Township 8 North, Range 17 East, San Bernardino Meridian;

Thence in a straight line Southwesterly to the Southeast corner of Section 7;

Thence West along section lines to the Northeast corner of Section 13, Township 8 North, Range 15 East, San Bernardino Meridian;

Thence South along the East line of said Section 13 to the Southeast corner thereof;

Thence West along section lines to the Northeast corner of Section 24, Township 8 North, Range 14 East, San Bernardino Meridian;

Thence South along the East line of said Section 24 to the Southeast corner thereof;

Thence West along the South line of said Section 24 to the Southeast corner of Section 23;

Thence at a 45 ° angle from the South line of said Section 23 Northwesterly to the North line of Interstate Route 40;

Thence Westerly along said Northline to the East line of Section 5, Township 7 North, Range 7 East, San Bernardino Meridian;

Thence South along said East line to the North line of the Atchison, Topeka and Santa Fe Railroad;

Thence Westerly along said North line to the East line of Section 9, Township 8 North, Range 5 East, San Bernardino Meridian;

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Thence North along said East line to the Southeast corner of Section 4;
Thence West along section lines to the North line of the Atchison, Topeka and Santa Fe Railroad;
Thence Westerly along said North line to the West line of Section 2, Township 8 North, Range 4 East, San Bernardino Meridian;
Thence in a straight line Northwesterly to the West quarter corner of Section 34, Township 9 North, Range 4 East, San Bernardino Meridian;
Thence North along section lines to the Southeast corner of Section 4;
Thence West along the South line of said Section 4 to the Southwest corner thereof;
Thence North along section lines to the Northwest corner of Section 21, Township 10 North, Range 4 East, San Bernardino Meridian;
Thence East along the North line of said Section 21 to the Southwest corner of Section 15;
Thence North along the West line of said Section 15 to the Northwest corner thereof;
Thence East along section lines to the Northeast corner of Section 14;
Thence South along the East line of said Section 14 to the Northwest corner of Section 24;
Thence East along section lines to the Southwest corner of Section 17, Township 10 North, Range 5 East, San Bernardino Meridian;
Thence North along section lines to the South line of Section 31, Township 11 North, Range 5 East, San Bernardino Meridian;
Thence East along said South line to the Southwest corner of Section 32;
Thence North along section lines to the South line of the Union Pacific Railroad;
Thence Easterly along said South line to the West line of Section 18, Township 11 North, Range 6 East, San Bernardino Meridian;
Thence South along said West line to the Southwest corner of said Section 18;
Thence East along the South line of said Section 18 to the Northwest corner of Section 20;
Thence South along the West line of said Section 20 to the South line of the North half of the North half of said Section 20;
Thence East along said South line to the center line of the Mojave River;
Thence Easterly along said center line to an intersection with the South line of the Union Pacific Railroad right of way in Section 13, Township 11 North, Range 6 East, San Bernardino Meridian;
Thence Easterly along said South line to the West line of Section 18, Township 11 North, Range 9 East, San Bernardino Meridian;
Thence in a straight line Northeasterly to the West quarter corner of Section 28, Township 12 North, Range 9 East, San Bernardino Meridian;
Thence North along section lines to the Southeasterly line of Interstate Route 15;
Thence Northeasterly along said Southeasterly line to the range line between Ranges 9 and 10 East;
Thence North along said range line to the South line of Township 16 North, Range 9 East, San Bernardino Meridian;
Thence East along said South line to the range line between Ranges 9 and 10 East;

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Thence North along said range line to the South line of Township 17 North, Range 10 East, San Bernardino Meridian;

Thence West along said South line to the range line between Range 9 and 10 East.

Thence North along said range line to the Southeast corner of Section 1, Township 17 North, Range 9 East, San Bernardino Meridian; Thence West along section lines to the Southwest corner of Section 2; Thence North along section lines to the South line of Township 19 North, Range 9 East, San Bernardino Meridian;

Thence West along said South line to the Southwest corner of said Township 19 North, Range 9 East;

Thence North along the West line of said Township 19 North, Range 9 East, to the South line of Township 20 North, Range 9 East, San Bernardino Meridian;

Thence West along said South line to the Southwest corner of Section 31, said Township 20 North, Range 9 East;

Thence North along the West line of said Section 31 to the South line of Township 20 North, Range 8 East, San Bernardino Meridian;

Thence West along said South line to the West line of the East half of Section 34, said Township 20 North, Range 8 East;

Thence North along said West line to the San Bernardino and Inyo County line;

Thence East along said County line and continuing along said County line to the POINT OF BEGINNING.

(2) CRONESE LAKE ALLOTMENT: Beginning at the Northwest corner of Section 2], Township 12 North, Range 3 East, San Bernardino Meridian;

Thence East along section lines to the Southwest corner of Section 17, Township 12 North, Range 5 East, San Bernardino Meridian;

Thence North along the West line of said Section 17 to the Northwest corner thereof;

Thence East along the North line of said Section 17 to the Southwest corner of Section 9;

Thence North along section lines to the Northwest corner of Section 4;

Thence East along the North line of said Section 4 to the Southwest corner of Section 34, Township 13 North, Range 5 East, San Bernardino Meridian;

Thence North along the West line of said Section 34 to the Northwest corner thereof;

Thence East along the North line of said Section 34 to the Southwest corner of Section 26;

Thence North along the West line of said Section 26 to the Northwest corner thereof;

Thence East along the North line of said Section 26 to the Southwest corner of Section 24;

Thence North along section lines to the Northwest corner of Section 13;

Thence East along the North line of said Section 13 to the Southwest corner of Section 7, Township 13 North, Range 6 East, San Bernardino Meridian;

Thence East along the South line of Sections 7 and 8 to the Easterly line of the Los Angeles Bureau of Power and Light power line right of way;

Thence Northeasterly along said East line to the East line of the West half of Section 5;

Thence South along the East line of the West half of Sections 5 and 8 to

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the North line of Section 17;

Thence East along said North line to the Northeast corner of said Section 17;

Thence South along the East line of said Section 17 to the Northwest corner of Section 21;

Thence East along the North line of said Section 21 to the Northeast corner thereof;

Thence South along the East line of said Section 21 to the Northwest corner of Section 27;

Thence East along the North line of said Section 27 to the Northeast corner thereof;

Thence South along the East line of said Section 27 to the North line of the South half of Section 26;

Thence East along said North line to the East line of said Section 26;

Thence South along section lines to the Northwest corner of Section 1, Township 12 North, Range 6 East, San Bernardino Meridian;

Thence East along section lines to the East line of the West half of Section 6, Township 12 North, Range 7 West, San Bernardino Meridian;

Thence South along said East line to the North line of Section 7; Thence East along said North line to the Northeast corner of said Section 7;

Thence South along the East line of said Section 7 to the North line of the South half of the North half of Section 8;

Thence East along said North line to the East line of the West half of said Section 8;

Thence South along said East line to the North line of the South half of said Section 8;

Thence East along said North line to the East line of said Section 8; Thence South along section lines to the Northwest corner of Section 21; Section 15; corner thereof; corner thereof;

Thence East along said North line to the Southwest corner of

Thence North along the West line of said Section 15 to the Northwest

Thence East along the North line of said Section 15 to the Northeast

Thence South along the East line of said Section 15 to the Northerly line of Interstate Route 15;

Thence Southwesterly along said Northerly line to the center line of Alvord Mountain Road;

Thence Northwesterly along said center line to the center line of a dirt road which runs Northwesterly to Coyote Lake Road;

Thence Northwesterly along the center line of said dirt road to the West line of Section 22, Township 11 North, Range 3 East, San Bernardino Meridian;

Thence North along section lines to the Northwest corner of Section 10;

Thence East along the North line of said Section 10 to the Southwest corner of Section 2; Thence North along section lines to the POINT OF BEGINNING. (3) RATTLESNAKE CANYON ALLOTMENT: Beginning at the Southwest corner of Section 15, Township 2 North, Range 3 East, San Bernardino Meridian;

Thence North along section lines to the Southeast corner of Section 4; Thence West along the South line of said Section 4 to the Southwest corner thereof;

Thence North along the West line of said Section 4 to the South line of Township 3 North, Range 3 East, San Bernardino Meridian;

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Thence West along said South line to the Southwest corner of said Township 3 North, Range 3 East;

Thence North along the West line of said Township to the Southeast corner of Section 25, Township 3 North, Range 2 East, San Bernardino Meridian;

Thence West along the South line of said Section 25 to the Southwest corner thereof;

Thence North along the West line of said Section 25 to the Southeast corner of Section 23;

Thence West along section lines to the Southwest corner of Section 22;

Thence North along section lines to the Northwest corner of Section 15;

Thence East along section lines to the Southwest corner of Section 12;
Thence North along the West line of said Section 12 to the Northwest corner thereof;

Thence East along section lines to the Northeast corner of Section 7,
Township 3 North, Range 3 East, San Bernardino Meridian;

Thence South along the East line of said Section 7 to the Northwest corner of Section 17; Thence East along section lines to the Northeast corner of Section 14; Thence South along the East line of said Section 14 to the Northwest corner of Section 24;

Thence East along the North line of said Section 24 to the range line between Ranges 3 and 4 East;

Thence South along said range line to the Southeast corner of Section 13,
Township 2 North, Range 3 East; Thence West along section lines to the POINT
OF BEGINNING.

(4) VALLEY WELL ALLOTMENT:

Section 20, Township 8 North, Range 1 East, San Bernardino Meridian;

(5) HARPER LAKE ALLOTMENT: Beginning at the Northeast corner of
Section 35, Township 12 North, Range 3 West, San Bernardino Meridian;

Thence South along section lines to the South line of the North half of the
South half of Section 11, Township 11 North, Range 3 West, San Bernardino Meridian;

Thence West along said South line to the East line of the West half of said
Section 11; Thence South along said East line to the South line of said Section 11;
Thence West along section lines to the Northeast corner of Section 18; Thence South
along the East line of said Section 18 to the Northwest corner of Section 20;

Thence East along the North line of said Section 20 to the East line of the
West half of the East half of said Section 20; Thence South along said East line to the
North line of Section 29; Thence East along said North line to the Northeast corner of
said Section 29;

Thence South along section lines to the South line of the North half of
Section 32; Thence West along said South line to the East line of Section 31; Thence
South along section lines to the Northwest corner of Section 8, Township 10 North,
Range 3 West, San Bernardino Meridian;

Thence East along the North line of said Section 8 to the Northeast corner
thereof;

Thence South along the East line of said Section 8 to the Southeast
corner thereof;

Thence West along section lines to the West line of the East half of
Section 11, Township 10 North, Range 4 West, San Bernardino Meridian;

Thence North along the West line of the East half of Sections 11 and 2 to
the North line of said Section 2;

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Thence East along said North line to the Southwest corner of Section 36, Township 11 North, Range 4 West, San Bernardino Meridian;

Thence North along section lines to the Northwest corner of Section 36, Township 12 North, Range 4 West, San Bernardino Meridian;

Thence East along section lines to the POINT OF BEGINNING.

(6) WHITEWATER CANYON ALLOTMENT: Beginning at the Southwest corner of Township I South, Range 3 East, San Bernardino Meridian, said point being in the San Bernardino County line;

Thence leaving said County line North along the West line of said Township I South, Range 3 East to the Northwest corner thereof;

Thence East along the North line of said Township to the Southwest corner of Section 31, Township 1 North, Range 3 East, San Bernardino Meridian;

Thence North along the West line of said Section 31 to the Northwest corner thereof;

Thence East along the North line of said Section 31 to the Southwest corner of Section 29;

Thence North along the West line of said Section 29 to the Northwest corner thereof;

Thence East along the North line of said Section 29 to the Northeast corner thereof;

Thence South along the East line of said Section 29 to the Northwest corner of Section 33;

Thence East along the North line of said Section 33 to the Southwest corner of Section 27;

Thence North along section lines to the Northwest corner of Section 22;

Thence East along section lines to the range line between Ranges 3 and 4 East;

Thence South along said range line to the Northwest corner of Section 19, Township I North, Range 4 East, San Bernardino Meridian;

Thence East along section lines to the Northeast corner of Section 21;

Thence South along the East line of said Section 21 to the Northwest corner of Section 27;

Thence East along the North line of said Section 27 to the Northeast corner thereof;

Thence South along the East line of said Section 27 to the Northwest corner of Section 35;

Thence East along the North line of said Section 35 to the Northeast corner thereof;

Thence South along the East line of said Section 35 to the Southeast corner thereof;

Thence West along section lines to the Northeast corner of Section 6, Township I South, Range 4 East, San Bernardino Meridian;

Thence South along section lines to the South line of the North half of the South half of Section 19;

Thence West along the South line to the East line of the West half of the East half of said Section 19;

Thence South along said East line to the South line of said Section 19;

Thence West along said South line to the range line between Ranges 3 and 4 East;

Thence South along said range line to the San Bernardino County line;

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Thence West along said County line to the POINT OF BEGINNING.

(7) ORD MOUNTAIN ALLOTMENT: Beginning at the Southwest corner of Section 18, Township 6 North, Range 1 East, San Bernardino Meridian;

Thence North along the San Bernardino Meridian line to the Northwest corner of Section 19, Township 8 North, Range 1 East, San Bernardino Meridian;

Thence East along section lines to the Northeast corner of Section 24;

Thence South along the East line of said Section 24 to the Northwest corner of Section 30, Township 8 North, Range 2 East, San Bernardino Meridian;

Thence East along the North line of said Section 30 to the Northeast corner thereof;

Thence South along the East line of said Section 30 to the Northwest corner of Section 32;

Thence East along the North line of said Section 32 to the Southwest corner of Section 28;

Thence North along the West line of said Section 28 to the Northwest corner thereof; Thence East along section lines to the Northeast corner of Section 26; Thence South along the East line of said Section 26 to the Northwest corner of Section 36;

Thence East along section lines to the Northeast corner of Section 33, Township 8 North, Range 3 East, San Bernardino Meridian;

Thence Southerly along section lines to the highest ridge line of the Rodman Mountains;

Thence Southeasterly direction following said ridge line of the Rodman Mountains to the South line of Section 23, Township 7 North, Range 3 East, San Bernardino Meridian;

Thence East along section lines to the Southwest corner of Section 20, Township 7 North, Range 4 East, San Bernardino Meridian;

Thence North along section lines to the Northwest corner of Section 32, Township 8 North, Range 4 East, San Bernardino Meridian;

Thence East along section lines to the range line between Ranges 4 and 5 East;

Thence South along said range line to the Northwest corner of Section 18, Township 6 North, Range 5 East, San Bernardino Meridian;

Thence East along section lines to the Northeast corner of Section 17; Thence South along the East line of said Section 17 to the Southeast corner thereof;

Thence West along section lines to the POINT OF BEGINNING.

Adopted Ordinance #1139 (1964); Amended Ordinance #2933 (1985);

32.072 Violation.

Every person who violates either of the above provisions shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment of not less than ten (10) days nor more than six (6) months or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

Adopted Ordinance #1139 (1964);

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32.073 Civil liability to County.

Any person who violates any provision of this chapter shall be liable civilly to the County of San Bernardino for a penalty in an amount not to exceed a sum of five hundred dollars (\$500) for each violation thereof.

Adopted Ordinance #1139 (1964);

32.074 Injunction.

An action may be brought by the County of San Bernardino in the Superior Court of the State of California for an injunction against any person violating any provision of this chapter.

Adopted Ordinance #1139 (1964);

32.075 Cumulative remedies.

The remedies herein contained are cumulative and in addition to any remedies provided by State law.

Adopted Ordinance #1139 (1964);

Chapter 8. Repealed by Ordinance 3105 (1986);

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Chapter 9

APIARIES

Sections:

- 32.091 Findings.
- 32.092 Definitions.
- 32.093 Location and Identification of Apiaries.
- 32.094 Water Supply.
- 32.095 Registration.
- 32.096 Nuisance Bees.
- 32.097 Authority to Enter Property.
- 32.098 Nuisance; Duty to Abate.
- 32.099 Service of Notice of Violation and Order.
- 32.0910 Time for Abatement.
- 32.0911 Abatement by Inspector.
- 32.0912 Summary Abatement.
- 32.0913 Appeal From Public Nuisance Notice.
- 32.0914 Payment for Abatement.
- 32.0915 Enforcement.
- 32.0916 Penalty for Violations.
- 32.0917 Injunction.

32.091 Findings.

The Board of Supervisors finds that the potential presence of "Africanized Honey Bees" and the unregulated and improper keeping of bees and apiaries in numerous locations throughout the unincorporated territory of the County of San Bernardino is a public nuisance and a hazard to the safety of landowners, users of public highways and the public generally.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.092 Definitions.

The following definitions shall apply to this chapter:

- (a) "Abate" means to remove, destroy, eliminate, seize, impound or mitigate.
- (b) "Africanized Honey Bees" means a population of hybrid bees resulting from a cross between *Apis mellifera* and *Apis mellifera scutellata*.
- (c) "Apiary" includes bees, comb, hive, appliances, or colonies, wherever they are kept, located, or found.
- (d) "Appliance" means any implement or other device which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.
- (e) "Bees" means honey-producing insects of the genus *Apis*. It includes all life stages of these insects.
- (f) "Colony" means one hive and its contents, including bees, comb and appliances.
- (g) "Commissioner" means the San Bernardino County Agricultural Commissioner and employees of the Department of Agriculture/Weights and Measures acting pursuant to their instructions.

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(h) "Director" means the Director of the Department of Environmental Health Services and employees of the Department of Environmental Health Services acting pursuant to their instructions.

(i) "Hive" means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

(j) "Inspector" means any person who is authorized to enforce this Chapter.

(k) "Location" means any premises or parcel upon which an apiary is located.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.093 Location and Identification of Apiaries.

(a) Prior to locating or maintaining an apiary, written permission of the property owner or occupant shall be obtained, if the apiary is located on a property not owned or leased by the person responsible for the apiary..

(b) All apiaries owned or kept within the unincorporated area of the County of San Bernardino shall be located at least one hundred (100) feet from all public roads (traveled portions) and at least two hundred (200) feet from all freeways, unless there are natural barriers to prevent bees from causing a nuisance or hazard to persons using the road or freeway.

(c) All apiaries owned or kept within the unincorporated area of the County of San Bernardino shall be located at least five hundred (500) feet from houses or buildings, unless the owner of the apiary first obtains permission from the occupant or person in charge of the house or building.

(d) All apiaries owned or kept within the unincorporated area of the County of San Bernardino within five hundred (500) feet of school yards or places where people congregate shall be located and maintained behind barriers (natural or otherwise) of at least six (6) feet in height.

(e) No apiary shall be maintained or allowed in the unincorporated area of the County of San Bernardino if there are substantial numbers of bees from such apiary which are entering land other than where such apiary is situated and are causing a public nuisance to the extent that the health, safety or welfare of the public is endangered or property is damaged.

(f) No person shall maintain an apiary on premises other than his or her residence unless the apiary is identified by a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, the telephone number of a person who has agreed in writing to be responsible for the bees.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.094 Water Supply.

Prior to placing an apiary, a plentiful supply of fresh water shall be furnished and kept available to such apiary at all times pursuant to the following methods and conditions:

(a) A fresh water supply placed within 100 feet of the apiary, or

(b) A stream or reservoir containing available fresh water within 300 feet of the apiary; all other sources of water available to the apiary, at locations where people or

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animals are present, must be one-quarter mile away from the stream or reservoir, and

(c) All sources of water serving the apiary must be on property for which permission pursuant to section 32.093(a) has been granted or which is owned by the person responsible for the apiary.

Adopted Ordinance #1466 (1968); Amended Ordinance #1655 (1971); Amended Ordinance #3598 (1995);

32.095 Registration.

(a) Every person who is the owner or is in possession of an apiary which is located within the unincorporated area of the County of San Bernardino, on the first day of January of each year, or within thirty (30) days thereafter, shall register the number of colonies in each apiary and the location of each apiary. The registration is valid until January 1 of the following year.

(b) Every person who moves bees into the unincorporated area of the County of San Bernardino or otherwise comes into possession of an apiary located within the unincorporated area of the County of San Bernardino, after the first day of January shall within thirty (30) days register the apiary moved or so acquired.

(c) Registration of an apiary shall be filed with the San Bernardino County Agricultural Commissioner. The Commissioner shall adopt a form of registration to be used County-wide.

(d) Each beekeeper, apiary owner, apiary operator, or person in possession of any apiary, shall pay, in addition to any other fees required by law, an annual registration fee to cover the costs of apiary registration and late fees, if applicable, in the amount specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Adopted Ordinance #1466 (1968); Amended Ordinance #1655 (1971); Amended Ordinance #3598 (1995);

32.096 Nuisance Bees.

Bees shall be considered a public nuisance when they interfere with the normal use of private or public property or have been involved in a multiple stinging incident of five (5) or more stings to an animal or person. Bees known to be Africanized Honey Bees are declared a public nuisance in any situation.

Adopted Ordinance #1466 (1968); Amended Ordinance 2348 (1979); Amended Ordinance #3598 (1995);

32.097 Authority to Enter Property.

(a) For the purpose of enforcing or administering this chapter, the Commissioner, Director or any inspector acting under their direction, upon presentation of credentials or, if necessary under the circumstances, after obtaining a warrant pursuant to Title 13 (commencing with section 1822.5) of Part 3 of the Code of Civil Procedure, has the right of entry to any property owned, used, leased, or rented by any owner or keeper of any apiary in order to inspect such property and apiary for compliance with this chapter.

(b) No person shall interfere with the entry of an inspector in the official course of his or her duty.

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(c) The inspector shall report the results of the inspection to the owner or person in charge or possession of the property, where feasible, within five days of the inspection.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.098 Nuisance; Duty to Abate

Any property or apiary in violation of this Chapter is a public nuisance. The owner or person in charge or possession of any such nuisance, upon receiving notice of the violation, shall correct or abate the violation within the time specified in the notice.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.099 Service of Notice of Violation and Order.

The notice and order may be served upon the owner or the person in charge or possession of the apiary or bees personally or by certified mail to their last known address. If the owner or person in charge or possession is not known, the notice shall be served by posting it in a conspicuous place on the property where the apiary or bees are located.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.0910 Time for Abatement.

The time specified in the notice for abatement of the nuisance shall not be more than 48 hours from the time the notice is served, except that the inspector may extend the time limit if necessary to prevent hardship and it can be done without danger to persons or property.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.0911 Abatement by Inspector.

If the owner or person in charge or possession cannot be located after diligent search by the inspector, or if notice has been served pursuant to this Chapter and the owner or person in charge or possession refuses or neglects to abate the nuisance within the time specified in the notice, the inspector shall abate the public nuisance within 72 hours after expiration of the time which is specified in the notice. The cost of abatement shall be paid by the owner of the property.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.0912 Summary Abatement.

If the inspector, in his or her judgment, believes summary abatement is necessary, the inspector may do so, or require that abatement be performed under his or her direct supervision. The inspector may also post an order to abate in a conspicuous place in the apiary or on the property. No person who has been given notice of the order to abate shall move the property or any part of the property or any other bee equipment from the location unless authorized by the inspector, until the order to abate is released.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

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32.0913 Appeal From Public Nuisance Notice.

(a) If an abatement notice has been served upon the owner or lessee of the property, the owner or lessee, before the expiration of the time specified in the notice, may appeal from the inspector's determination of the public nuisance named in the notice by sending a written appeal to the issuing department stating the reason for the appeal. The appeal hearing shall be held before the Commissioner or Director or their designee at the time and place set by the Commissioner or Director.

(b) Pending the hearing and determination of the Commissioner or Director regarding the public nuisance, the time which is specified in the abatement notice shall be extended by the number of days between the forwarding of the appeal and the receipt by the owner or lessee of the property where the apiary or bees are located that made the written appeal of the written determination of the Commissioner or Director.

Adopted Ordinance #1466 (1968); Amended Ordinance #1655 (1971); Amended Ordinance #2348 (1979); Amended Ordinance #3598 (1995);

32.0914 Payment for Abatement.

(a) Billing. When the abatement has been completed, the agency or officer so causing the abatement shall render to the County Auditor an itemized statement covering work necessary for such abatement. The County Auditor shall pay the same from the funds of the agency or officer causing said work to be done and the agency shall present to the property owner a demand for payment of the cost of abatement by mailing notice to the owner at the address shown on the latest tax roll. If payment is not made by or on behalf of the owner within sixty (60) days after mailing such bill, the Commissioner or Director shall collect the bill by any legal means and charge all costs of collection to the debtor.

(b) Appeals. Any appeal from these charges must be filed within sixty (60) days from the date of mailing of the billing. The appeal procedure shall be the same as section 32.0913 of this Chapter, and the decision of the Commissioner or Director shall be final.

(c) Cancellation of Claim. All or any portion of any such costs or penalty heretofore entered shall, on order of the Commissioner or Director, be cancelled if uncollected or refunded if collected, if they were entered, charged or paid:

(1) More than once.

(2) Through clerical error.

(3) Through error or mistake of the Commissioner or Director or of the officer or board designated by them to give notice or to abate the nuisance, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the County abated the nuisance but such is not the actual fact.

(4) Illegally;

(d) Procedure for Refund of Payment. No order for a cancellation or refund under subdivision (c) of this section shall be made except on a claim:

(1) Verified by the person who paid the special assessment, his or her guardian, executor or administrator;

(2) Filed within sixty (60) days after the error was discovered by the property owner or lessee and no more than three (3) years after making the payment sought to be refunded.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

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32.0915 Enforcement.

The provisions of this Chapter may be enforced by the authorized representatives of the County Department of Agriculture/Weights and Measures or the Department of Environmental Health Services.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.0916 Penalty for Violations.

(a) Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified.

(b) Each day or portion thereof such violation is in existence shall be a new and separate offense.

(c) Any person so convicted shall be:

(1) Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense;

(2) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense.

(3) Guilty of a misdemeanor for the third and any additional offenses and punished by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both.

(4) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(d) Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

(e) In addition to the above penalties, the court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

32.0917 Injunction.

Any violation of this Chapter is hereby declared to be unlawful and a public nuisance. Upon request of the Commissioner or Director, an action for injunctive relief may be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using any property contrary to the provisions of this Chapter.

Adopted Ordinance #1466 (1968); Amended Ordinance #3598 (1995);

COMMERCIAL CALF GROWERS

Chapter 10

COMMERCIAL CALF GROWERS

Sections:

- 32.101 Definitions.
- 32.102 Application for permit.
- 32.103 Permit fees.
- 32.104 Expiration of renewal of permit.
- 32.105 Late fee penalty.
- 32.106 Revocation of permit.
- 32.107 Reinstatement of a revoked permit.
- 32.108 Application requirements.
- 32.109 Operation requirements.

32.101 Definitions.

(a) "Commercial calf grower" means any calf operation where calves are fed, housed, or otherwise kept until sold or marketed and consisting of ten or more beef or dairy animals.

(b) "Calf" means a young bovine animal under twelve (12) months of age.

(c) "Calf nursery" means a calf-growing operation with calves starting at one (1) day old to twelve (12) weeks or a maximum of two hundred twenty-five (225) pounds.

(d) "Beef calf grower" means any type of beef calf-growing with calves exceeding two hundred twenty-five (225) pounds at market time.

Adopted Ordinance #1499 (1969);

32.102 Application for permit.

Every person, firm or corporation engaged in the business of operating as a commercial calf grower herein defined shall first obtain all application for permit to do so from the Health Officer of San Bernardino County and shall pay an annual permit fee shown in Section 32.103.

Adopted Ordinance #1499 (1969);

32.103 Permit fees.

For a commercial calf grower having the following number of calves, the fee will be:

10 - 24.....	\$ 50.00
25 - 75	\$ 75.00
76 or greater	\$100.00

Adopted Ordinance #1499 (1969);

COMMERCIAL CALF GROWERS

32.104 Expiration and renewal of permit.

All moneys received as permit fees under the provisions of this chapter shall be paid to the County Treasurer and placed in the general fund. A permit for which application is made under the provisions of this chapter may be granted at any time during the year, Any permit thereunder shall expire on the thirty-first (31st) of December of the year in which it was granted and the same must be renewed before January first (1st) of the following year.

Adopted Ordinance #1499 (1969);

32.105 Late fee penalty.

A twenty-five percent (25%) penalty shall be added to the permit fee for failure to make application for yearly renewal within thirty (30) days from the date of expiration or for failure to apply for a permit in the case of a new business.

Adopted Ordinance #1499 (1969);

32.106 Revocation of permit.

If it is determined by the Health Officer following an investigation or inspection of any commercial calf-growing operation required by the provisions of this chapter to have a permit that the operator, owner or manager has not complied with the provisions of this chapter, and all other applicable statutes, ordinances, rules and regulations, particularly relating to the Health and Sanitary Laws and Regulations, the Health Officer may revoke the permit.

Adopted Ordinance #1499 (1969);

32.107 Reinstatement of a revoked permit.

Revoked permits may only be reinstated upon correction of the deficiency which caused the revocation of the permit.

Adopted Ordinance #1499 (1969);

32.108 Application requirements.

At the time of applying for a permit for a new operation or an existing operation not under permit, the following is required:

- (a) Submit two sets of plans of the proposed commercial calf operation for review and approval by the County Public Health Department.
- (b) Meet all density and sanitary requirements as shown in the following table:

COMMERCIAL CALF GROWERS

DENSITY REQUIREMENTS

INDIVIDUAL PENS

on dirt	1 - 12 wks - 225 lbs	32 sq. ft.
on cement	1 - 12 wks - 225 lbs	20 sq. ft.
wire mesh or slats	1 - 12 wks - 225 lbs	10 sq. ft.

COMMUNITY PENS

on dirt	2 - 12 wks - 225 lbs	100 sq. ft.
on cement	2 - 12 wks - 225 lbs	60 sq. ft.
wire mesh or slats	2 - 12 wks - 225 lbs	30 sq. ft.

COMMUNITY PENS - over two hundred twenty-five (225) pounds. Density shall be determined by the Public Health Department according to the type of operation and facilities provided.

Adopted Ordinance #1499 (1969);

32.109 Operation requirements.

The following requirements shall be met by all new operations. For existing operations all of the following requirements shall be met except those requirements waived by the Public Health Department:

(a) All exterior pens shall drain properly with a one and one-half percent (1/2%) finished grade.

(b) An area shall be provided for isolation of sick animals.

(c) Twenty-five percent (25%) of total area shall remain undeveloped; this area may be used for driveways or residences.

(d) All animal waste shall be disposed of in an approved manner, including dead animals.

(e) All manure shall be removed from the property without stockpiling. If manure is to be retained on the premises, special approval must be first obtained from the Health Department.

(f) An adequate and continuing program for control of vectors such as flies, rodents and other pests shall be instituted and maintained.

(g) If at any time new pens are to be installed or calves increased above the proposed density, the Public Health Department shall be notified and a revised plot plan be submitted for approval.

Adopted Ordinance #1499 (1969);

Chapter 11. Repealed by Ordinance 3105 (1986).

CATTERIES

Chapter 12

CATTERIES

Sections:

- 32.121 Definitions.
- 32.122 Requirement of a Permit.
- 32.123 Construction, Operation and Maintenance.
- 32.124 Catteries Operation Along With Dog Kennels.
- 32.125 Inspection.
- 32.126 Revocation of a Permit.
- 32.127 Penalties.

32.121 Definitions.

For the purpose of this chapter, the following definitions shall be used:

(a) CAT. A domestic cat belonging to the species *Felis domestica*, including its young or kitten.

(b) CATTERY. A place where five (5) or more cats are kept. The term cattery shall not apply to animal shelters operated by governmental agencies nor shall it apply to veterinary hospitals.

Any cattery shall be in the proper A-I, A-2, DL, or M-I zone. In the A-I, DL and M-I zones, a Location and Development Application involving a public hearing before the County Planning Commission must first be filed and approved by said Commission. In A-2 zone, the cattery is considered as a permitted use, not requiring the approval of a Location and Development Application.

A cattery is subdefined as follows:

(1) Breeding Cattery - A cattery in which more than four (4) cats are kept for the primary purpose of breeding.

(2) Boarding Cattery - A cattery in which cats owned by persons other than the cattery owner/operator are being cared for.

(3) Boarding and Breeding Cattery - A cattery in which cats are kept for boarding, breeding, marketing or other purposes.

(4) Private Cattery - A place wherein more than four (4) but not exceeding five (5) cats three (3) months of age or older, all belonging to the same owner and kept or maintained as pets within the premises or residence of owner for his pleasure and enjoyment. No breeding in which the kittens are intended for sale or other commercial purpose must be done.

(c) HEALTH OFFICER. Health Officer means the San Bernardino County Health Officer, or any other person duly authorized to act on his behalf.

Adopted Ordinance 1868 (1973); Amended Ordinance 3908 (2004);

32.122 Requirement of a Permit.

Every person, firm, or corporation engaged in the operation, control, or management of a cattery as herein defined, shall obtain a permit to operate from the County Health Officer, and shall pay an annual fee as follows: For a cattery having the number of cats indicated, the fees shown in the County Fee Schedule shall apply for the following types and sizes of catteries:

CATTERIES

Private Cattery (limited to five (5) cats only; if over five (5) cats, the cattery is classified as a commercial cattery and the provisions of the commercial cattery apply).

Commercial Cattery (5-10 cats, 11-20 cats, and 21-30 cats).

Adopted Ordinance #1868 (1973);

32.123 Construction, Operation and Maintenance.

- (a) All cats shall be confined and not allowed to run at large.
- (b) Adequate housing shall be provided for the protection of cats from the elements.
- (c) The building within which cats are to be housed shall be provided with adequate ventilation and lighting, and shall be constructed so as to be easily kept clean and sanitary at all times. Adequate ventilation shall be that which minimizes drafts, avoids offensive odors, and prevents moisture condensation. Cat odors shall not be allowed to persist inside the building.
- (d) Adequate heating shall be provided for in the winter.
- (e) Cat cages shall be within an enclosed building and shall be of suitable construction, e.g. fiberglass or stainless steel or other material that will prevent the escape of the animal through destruction of material of which cage is made of, and at the same time permits easy cleaning. The minimum floor space of each cage shall be three (3) square feet for each adult cat. Each cage shall be at least two (2) feet in height. No more than two (2) adult cats used for breeding shall be placed inside each cage.
- (f) Inside runs shall be so constructed that a minimum space of three (3) square feet is provided per cat, and that the maximum number of cats to be housed in each pen shall not exceed five (5). Wire netting used between pens shall be such that the cats cannot put their feet through the wire netting spaces. If dividers are of solid construction, this shall be of uniform material and make. Enclosures shall be constructed so as to enable the animals to remain dry and clean.
- (g) Each pen shall be provided with a cat scratching post.
- (h) Cat resting or sleeping shelves shall be provided and shall be uniform and approved construction.
- (i) All cats shall be provided with sufficient clean litter to contain excreta and these shall be disposed of daily in a manner approved by the Health Officer. Adequate provision shall be made for the disposal of dead animals which shall be satisfactory to the Health Officer.
- (j) Boarded cats shall be caged or penned individually and separated by a floor to ceiling solid partition, unless they belong to the same owner, in which case they may stay together provided there is adequate space.
- (k) The operator of every cattery shall be responsible to take the appropriate preventive measures to preclude outbreaks of infectious and contagious diseases as well as external parasites, among the cats.
- (l) Adequate disinfection shall be provided. Beddings shall be cleaned and laundered at the end of each boarding period prior to use by another cat.
- (m) Provisions shall be made for convenience access to clean food and water. Food and water containers shall be kept clean and sanitary. Animal feed shall be properly stored and protected from contamination and vermin infestation.

Adopted Ordinance #1868 (1973);

CATTERIES

32.124 Catteries Operated Along With Dog Kennels.

Catteries in operation prior to adoption of this chapter, whether operated in conjunction with a dog kennel or not, shall be subject to the provisions of these regulations immediately upon adoption of this chapter.

Adopted Ordinance #1868 (1973);

32.125 Inspection.

The Health Officer shall have the authority to enter upon any area or premises in which a cattery is located, for the purposes of investigating a violation or suspected violation as well as for enforcement of the provisions of this chapter.

Adopted Ordinance #1868 (1973);

32.126 Revocation of a Permit.

The Health Officer shall have the power, upon giving of ten (10) days notice by United States mail to any permittee under this chapter, to revoke any permit granted to a cattery operator for any violation of this chapter. The permittee may within said ten (10) day period, demand a hearing for reconsideration of the revocation. The reconsideration shall be determined by a different deputy from the deputy who first acted upon the revocation.

Adopted Ordinance #1868 (1973);

32.127 Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the County Jail for a period of not more than one hundred (100) days, or by both such fine and imprisonment.

Adopted Ordinance #1868 (1973);

ANIMAL FOOD AND FOOD SCRAPS

Chapter 13

ANIMAL FOOD AND FOOD SCRAPS

Sections:

- 32.131 Food Left Outside for Certain Mammalian Predators.
- 32.132 Food Left Outside For Any Animal During Certain Hours.
- 32.133 Garbage Containing Food Scraps.
- 32.134 Limited Applicability.
- 32.135 Violation and Penalty.
- 32.136 Severability.

32.131 Food Left Outside for Certain Mammalian Predators.

(a) No person shall feed or in any manner provide food for one or more nondomesticated mammalian predators. A nondomesticated mammalian predator shall include coyotes, raccoons, foxes, opossums, bears, mountain lions, and bobcats.

(b) Exceptions. This section shall not apply in any of the following instances:

(1) Where the person providing the food is the owner of such non-domesticated mammalian predator and the predator is kept under a valid certificate or permit issued by the State of California Department of Fish and Game; or

(2) Where the person provides food for a trapped, injured or unweaned, nondomesticated mammalian predator between the time the agency in charge of animal control is notified and the time such predator is picked up by said agency.

Adopted Ordinance #3322 (1989);

32.132 Food Left Outside for Any Animal During Certain Hours.

No person shall leave or permit to be left out-of-doors food for any animal between the hours of 10:00 p.m. of any one day and 6:00 a.m. of the following day, unless the area where the food is left is not accessible to nondomesticated mammalian predators.

Adopted Ordinance #3322 (1989);

32.133 Garbage Containing Food Scraps.

No person shall leave or permit to be left out-of-doors any garbage containing food scraps without first securing said food scraps in closed containers.

Adopted Ordinance #3322 (1989);

32.134 Limited Applicability.

Sections 32.132 and 32.133 shall be applicable only in the mountainous and foothill areas of the County described as follows:

Beginning at the intersection of the San Bernardino and Los Angeles County line with the center line of State Highway 138; thence Southeasterly along said center line to the North line of Section 1, Township 3 North, Range 7 West, San Bernardino Meridian, said point being also on the Northern boundary of the San Bernardino National Forest; thence Easterly along said boundary and continuing along said boundary, following all of its various courses to the Northeast corner of Section 18, Township 3 North, Range 5 West, San Bernardino Meridian; thence leaving said National Forest boundary East along section lines to the Northeast corner of Section 13, Township 3 North, Range 4

ANIMAL FOOD AND FOOD SCRAPS

West, San Bernardino Meridian; thence South along the East line of said Section 13 to the Northwest corner of Section 10, Township 3 North, Range 3 West, San Bernardino Meridian, said point being also on the Northern boundary of the San Bernardino National Forest; thence Easterly along said boundary and continuing along said boundary, following all of its various courses to the San Bernardino and Riverside County line; thence leaving said National Forest boundary Westerly along said County line to the Southwest corner of Section 8, Township 2 South, Range 1 West, San Bernardino Meridian; thence North along section lines to the Northwest corner of Section 32, Township 1 South, Range 1 West, San Bernardino Meridian; thence East along the North line of said Section 32 to the Southwest corner of Section 28; thence North along the West line of Sections 28 and 21 to the Southeast corner of Section 17; thence West along section lines to the center line of Bryant Street; thence Northwesterly along said center line to the center line of State Highway 38; thence Westerly along said center line of State Highway 38 to the center line of Garnet Street; thence Northerly along said center line of Garnet Street to the center line of Florida Street; thence Westerly along said center line of Florida Street to the center line of Green Spot Road; thence Northerly and Westerly along said center line of Green Spot Road to the Eastern boundary line of the City of Highland; thence Northerly along said boundary and continuing along said boundary, following all of its various courses to the Northern boundary of the City of San Bernardino; thence Westerly along said Northern boundary of the City of San Bernardino, following all of its various courses to the center line of Interstate 215; thence leaving said boundary Northwesterly along said center line to the center line of Interstate 15; thence Southwesterly along said center line of Interstate 15 to the South line of Section 13, Township 1 North, Range 6 West, San Bernardino Meridian; thence West along section lines to the Southwest corner of Section 16, Township 1 North, Range 7 West, San Bernardino Meridian, said point being on the boundary of the City of Rancho Cucamonga; thence Northerly, Westerly and Southerly along said boundary to the Northern boundary of the City of Upland; thence Westerly along said Northern boundary of the City of Upland to the San Bernardino and Los Angeles County line; thence Northerly along said County line to the Point of Beginning.

Adopted Ordinance #3322 (1989);

32.135 Violation and Penalty.

A person violating any provision of this chapter shall be guilty of an infraction, punishable in accordance with the provisions of Chapter 2 of Division 1 of Title 1 of this Code.

Adopted Ordinance #3322 (1989);

32.136 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this chapter are declared to be severable.

Adopted Ordinance #3322 (1989);

POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

Chapter 14 POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

- 32.1401 Purpose.
- 32.1402 Exceptions to Chapter.
- 32.1403 Determinations and Notice Process.
- 32.1404 Authority to Seize Animal Posing Immediate Threat to Public Safety.
- 32.1405 Disposition of Potentially Dangerous or Vicious Animals.
- 32.1406 Removal of Designation as Potentially Dangerous or Vicious.
- 32.1407 Conditions for Destroying Animal Found Vicious or Potentially Dangerous.
- 32.1408 Conditions for Prohibiting Ownership of Vicious Animals.
- 32.1409 Criminal Penalties/Injunction.

32.1401 Purpose.

The purpose of this chapter is to provide regulations and procedures related to the declaration, conditions for release and control, and the disposition and destruction of potentially dangerous and vicious animals.

Adopted Ordinance #3804 (2000);

32.1402 Exceptions to Chapter.

(a) This chapter does not apply to licensed kennels, humane society shelters, animal control facilities or veterinary clinics.

(b) This chapter shall not apply to any dog utilized by any police department or any law enforcement officer in the performance of police or law enforcement work.

Adopted Ordinance #3804 (2000);

32.1403 Determinations and Notice Process.

(a) Determination of Potentially Dangerous or Vicious animal: If an Animal Control Officer, after conducting an investigation, has determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, he or she shall report the results of his or her investigation in writing to the Chief Officer, who shall review said written report for the purpose of determining whether or not the animal in question is potentially dangerous or vicious.

(b) Complaints and Evidence: If the written report submitted by the Animal Control Officer is based on a complaint or complaints received from a member of the public, the Animal Control Officer shall require the complainant to put the complaint in writing and sign it under penalty of perjury, so that it may be offered as evidence at the Review Hearing described below. The Animal control Officer may also include in said report to the Chief Officer:

- (1) If known, the animal's previous history of biting, attacking, or causing injury to a human being or animal;
- (2) the nature and extent of injuries inflicted and the behavior of victims involved;
- (3) the place where the bite, attack or injury occurred;
- (4) the presence or absence of any provocation for the bite, attack or injury;
- (5) the extent to which property has been damaged or destroyed;
- (6) the extent to which the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic

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animals; and

(7) the extent to which the animal exhibits any characteristics of being trained for fighting or attack and any evidence tending to show such training.

(c) Hearing Before and Determination Of Chief Officer:

(1) If the Chief Officer, after examining the written report of the Animal Control Officer, determines that probable cause exists that the animal is potentially dangerous or vicious, he or she shall mail a written notice to the owner or keeper of the animal of a hearing to be presided over by the Chief Officer for the purpose of determining whether or not the animal should be declared potentially dangerous or vicious, which notice shall be mailed by first class mail, postage prepaid, not less than fourteen (14) days before the date set for the hearing, at which time the owner or keeper of the animal shall be given an opportunity to present evidence as to why the animal should not be declared potentially dangerous or vicious.

(2) At the hearing, the Chief Officer shall review all relevant evidence, including the written report of the Animal Control Officer and any evidence submitted by the owner or keeper. Following the hearing, the Chief Officer shall prepare a written Notice of Determination as to whether or not the animal is potentially dangerous or vicious, and make whatever other orders are authorized by this chapter, and shall mail said Notice of Determination to the owner or keeper by first class mail, postage prepaid. The Chief Officer shall decide all issues for or against the owner or keeper of the animal if the owner or keeper fails to appear at a scheduled determination hearing, and such determination shall be final and conclusive and not subject to further review.

(d) Notice of Determination and Review Hearing:

(1) If a determination is made by the Chief Officer that the animal is potentially dangerous or vicious, the owner or keeper shall comply with section 32.1405 in accordance with a time schedule established by the Chief Officer, but in no case more than thirty (30) days after the date of mailing of the Notice of Determination.

(2) If the owner or keeper of the animal appeared at the hearing and contests the determination, he or she may request a review hearing of the decision of the Chief Officer. A written request for review must be actually received in the office of the Chief officer within ten (10) days of the mailing of the Notice of Determination, or the right to review shall be deemed waived and the Notice of Determination of the Chief Officer shall be final for all purposes.

(3) Upon receipt of a request for review, the Chief Officer shall convene an Administrative Review Panel to review the case. The Chief Officer shall mail a written notice to the owner or keeper of the animal of a hearing before and Administrative Review Panel for the purpose of reviewing the Chief Officer's Notice of Determination that the animal should be declared potentially dangerous or vicious, which notice shall be mailed by first class mail, postage prepaid, not less than 14 days before the date set for the hearing, at which time the owner or keeper of the animal shall be given an opportunity to present evidence as to why the Chief Officer's Notice of Determination that the animal should be declared potentially dangerous or vicious is erroneous.

At the review hearing, the Panel shall review the Chief Officer's Notice of Determination, and, if it deems it appropriate, all relevant evidence considered by Chief Officer at the prior hearing. The Panel shall submit a written recommendation to the Health Officer regarding the appropriateness of the Notice of Determination of the Chief Officer and/or disposition of the subject animal, and shall mail a copy of said written recommendation to the owner or keeper by first class mail, postage prepaid. The Administrative Review Panel may issue recommendations for or against the owner or keeper of the animal if the owner or keeper fails to appear at a scheduled review

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hearing, and such recommendations shall be final and conclusive and not subject to further review.

(4) The Administrative Review Panel shall consist of three members which shall be appointed by the Chief Officer: a representative of the Animal Care and Control Program, but not the investigating officer or an officer with knowledge of the case; a representative of a private veterinary or animal care provider; and a representative of another public animal control agency.

(5) If the owner or keeper of the animal appeared at all hearings, the Health Officer shall review the Chief Officer's Notice of Determination and the Administrative Review Panel's recommendations thereon and make a finding as to whether or not the animal is potentially dangerous or vicious, and make such other orders authorized by this Chapter, and shall mail a copy of said findings and orders to the owner or keeper by first class mail, postage prepaid.

The findings and orders of the Health Officer shall be final and conclusive upon all parties. If the Health Officer determines that an animal is potentially dangerous or vicious, the Health Officer may establish a time schedule to ensure compliance with this Chapter, but in no case more than thirty (30) days subsequent to the date of the mailing of the Health Officer's findings and orders.

(e) Exceptions:

(1) An animal may be found not potentially dangerous or vicious if the Chief Officer, Administrative Review Panel or Health Officer reasonably determines any of the following:

(A) any injury or damage was sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass upon the premises occupied by the owner or keeper of the animal or was committing or attempting to commit a crime upon the premises;

(B) the person who sustained the injury or damage was teasing, tormenting, abusing or assaulting the animal at the time;

(C) the animal was protecting or defending a person within the immediate vicinity of the animal from an attack, assault, battery, crime or attempt to commit an attack, assault, battery or crime by the person who sustained the injury; or

(D) any injury or damage was sustained by a domestic animal, which, at the time the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.

(2) No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting, herding, or a predator control dog and it was on the property of, or under the control of, its owner or keeper and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

Adopted Ordinance #3804 (2000);

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32.1404 Authority to Seize Animal Posing Immediate Threat to Public Safety.

If an Animal Control Officer has investigated and determined there exists probable cause to believe an animal poses an immediate and serious threat to the safety of the public, then the Animal Control Officer may seize and impound the animal pending the hearing to be held pursuant to subsection 32.1403(c). If confinement is not contrary to public safety, the Chief Officer may require the animal to be confined at the owner's or keeper's expense in a kennel or veterinary facility approved by the Animal Care and Control Program.

Adopted Ordinance #3804 (2000);

32.1405 Handling of Potentially Dangerous or Vicious Animals.

(a) Animal to Be Kept Under Control at All Times:

(1) Control While On Owner's or Keeper's Premises: A potentially dangerous or vicious animal, while on the owner's or keeper's property, shall at all times be kept indoors or in an enclosure which shall secure the yard so that the animal cannot escape and children cannot trespass. The enclosure shall be approved by the Animal Care and Control Program and meet the following criteria:

(A) the enclosure shall be constructed to prevent the going in of the public or other animals and the entrance to the enclosure shall be locked at all times while the animal is contained within the enclosure;

(B) the enclosure shall be six (6) sided, consisting of four (4) walls, a cover or roof and a permanent floor to prevent the animal from escaping by either climbing or digging under the wall. If the bottom is not secured to the sides, the sides must be embedded in the ground no less than two (2) feet;

(C) the animal shall be housed pursuant to the provisions of section 597t of the California Penal Code (adequate enclosed area). The minimum dimensions of the enclosure shall measure five (5) feet by ten (10) feet and be of a height which does not restrict the animal's natural movements and which allows the owner or keeper into the enclosure to maintain the animal.

(D) the enclosure shall be surrounded by a perimeter fence which prevents the entry of the public onto the property of the owner or keeper but which shall not serve in any part as a primary enclosure for the animal.

(2) Compliance Inspections: As a condition of maintaining a potentially dangerous or vicious animal, its owner or keeper shall allow access to the Animal Care and Control Program to inspect the premises to ensure compliance with the provisions of this chapter between the hours of 9:00 a.m. and 9:00 p.m. daily. Prior notification of the inspection to the owner or keeper of the potentially dangerous or vicious animal shall not be required.

(3) Control When Off Owner's or Keeper's Premises: At all times, when a potentially dangerous or vicious animal is not on the premises of the owner or keeper, the animal shall be securely muzzled and restrained by a leash. The animal shall also be under the control of a person eighteen (18) years of age or older, who is physically capable of restraining the animal.

(b) Warning Notice: The owner or keeper of the animal shall display, in a prominent place upon the premises where the animal is kept or maintained, a sign easily readable by the public using the words "DANGEROUS ANIMAL", or "VICIOUS ANIMAL", as ordered by the Chief Officer or Health Officer after a hearing or hearings pursuant to section 32.1403, in letters at least two (2) inches in height.

(c) Permanent Identification of Animal: The owner or keeper of the animal shall

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provide a permanent identification by means of either a registered tattoo or implanted microchip that shall be registered with the Animal Care and Control Program. A photograph of the animal shall be kept on record for identification, in addition to registration as a Dangerous Animal or Vicious Animal.

(d) Notice of Change of Location or Death of Animal:

(1) If an animal determined to be potentially dangerous or vicious dies, is sold, transferred or permanently removed from the County, the owner or keeper shall notify the Chief Officer of the changed condition(s) and new location of the animal in writing within two (2) working days of the changed status.

(2) Animals determined to be potentially dangerous or vicious may be relocated to other premises within the County only upon written notification to the Animal Care and Control Program a minimum of five (5) working days in advance of the animal being physically transferred to new premises. Such physical transfer requires the inspection and approval by an Animal Control Officer of the new premises' enclosure and perimeter fencing for compliance with section 32.1405.

(e) Licensing and Vaccination: All potentially dangerous and vicious dogs shall be licensed and vaccinated in accordance with Chapter 2 of Title III of the County Code. The potentially dangerous or vicious dog designation shall be included in the license records of the dog. A potentially dangerous or vicious dog fee shall be charged in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog pursuant to San Bernardino County Code Schedule of Fees.

(f) Designated Potentially Dangerous and Vicious Animal Listing: All animals designated potentially dangerous or vicious shall be recorded on a listing maintained by the Animal Care and Control Program. Animals designated potentially dangerous or vicious shall remain on the listing until the animal dies, is permanently removed from the County, or is removed from designation pursuant to section 32.1406.

Adopted Ordinance #3804 (2000);

32.1406 Removal of Designation as Potentially Dangerous or Vicious.

If the owner or keeper demonstrates changes that mitigate the risk to public safety to the satisfaction of the Chief Officer, the designation of potentially dangerous or vicious shall be removed.

Adopted Ordinance #3804 (2000);

32.1407 Conditions for Destroying Animal Found Vicious or Potentially Dangerous or Vicious.

(a) An animal determined to be a vicious or potentially dangerous animal may be destroyed by the Animal Care and Control Program when it is found, after proceedings conducted under section 32.1403, that the release of the animal would create a significant threat to the public health, safety and welfare. If it is determined that a vicious or potentially dangerous animal may be released, the Chief Officer shall impose conditions upon the ownership of the animal, including, but not limited to, the conditions set forth in section 32.1405 in order to protect the public health, safety, and welfare.

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(b) An animal previously determined to be a vicious or potentially dangerous animal may be destroyed by the Animal Care and Control Program when it is found, after proceedings conducted under section 32.1403, that the owner or keeper of the animal has failed to comply with the provisions of section 32.1405(a).

Adopted Ordinance #3804 (2000);

32.1408 Conditions for Prohibiting Ownership of Vicious Animals.

The owner of an animal determined to be vicious or potentially dangerous may be prohibited by the Health Officer from owning, possessing, controlling or having custody of any other animals of dangerous propensities for a period of up to three (3) years, when it is found, after proceedings conducted under section 32.1403, that ownership or possession of such an animal by that person would create a significant threat to the public health, safety, and welfare, as determined by the Chief Officer.

Adopted Ordinance #3804 (2000);

32.1409 Criminal Penalties/Injunction.

The penalties and remedies for violation of this Chapter shall be the same as provided for in Sections 32.0120, Penalties and 32.0121, Injunction.

Adopted Ordinance #3804 (2000);

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DIVISION 3. ENVIRONMENTAL HEALTH

Chapters:

1. Authority and Administration.
2. Permits and Hearing Procedures.
3. Public Nuisance Abatement.
4. Food Protection.
5. Dairies and Dairy Products.
6. Domestic Water Sources and Systems.
7. Hazardous Materials and Toxics Control.
8. Waste Management.
9. Insect, Rodent, and Other Vector Control.
10. Housing and Institutions.
11. Recreational Health.
12. Vehicle Abatement and Removal Program.

Chapter 1

AUTHORITY AND ADMINISTRATION

Sections:

- 33.0101 Intent and Enforcement Authority.
- 32.0102 Scope of Authority.
- 32.0103 Validity and Severability.
- 32.0104 Existing Law Continued.
- 32.0105 No Liability/No Warranty.
- 32.0106 Authority to Investigate, Detain and/or Issue Citation.
- 32.0107 Interference Unlawful/Criminal Penalties For.
- 32.0108 Freedom of Information.
- 32.0109 Administrative Due Process.
- 32.0110 Remedies for Public Nuisances.
- 32.0111 Civil Remedies for Fraud or Unfair Business Practices.
- 32.0112 Criminal Penalties.
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- 32.0114 Notice of Action
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33.0101 Intent and Enforcement Authority.

Pursuant to the California Health and Safety Code Section 200 *et seq.*, Section 450 *et seq.*, Section 476 *et seq.*, Section 500 *et seq.*, Section 540 *et seq.*, Section 1155.5 *et seq.*, Public Resources Code Section 21050 *et seq.* (Environmental Quality Act of 1970), and other relevant state authority, this jurisdiction has found that the public's interest will be best served by all Environmental Health Services and related Consumer Protection Programs within the borders of San Bernardino County being enforced and administered through the Department of Environmental Health Services ("DEHS") of the

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County of San Bernardino. The Director and Enforcement Officers of DEHS are hereby authorized to enforce and administer all state law pertaining to environmental health and all provisions of this Environmental Health Code (E.H. Code) within this jurisdiction.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0102 Scope of Authority.

This authority is granted to the Director and Enforcement Officers of DEHS. Pursuant to California Health and Safety Code Section 1158, during declared states of emergency, the County Health Officer shall have supervision and control over all DEHS programs and personnel. DEHS shall enforce all California Health and Safety Code provisions pertaining to Environmental Health, other relevant state law, and the provisions of this E.H. Code, within available resources. DEHS may charge reasonable fees for their services, including fees as are prescribed by the San Bernardino County Code Schedule of Fees.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0103 Validity and Severability.

This E.H. Code shall not be in conflict with State or Federal law. If any provision of this E.H. Code or the application thereof is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this E.H. Code are severable.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0104 Existing Law Continued.

The provisions of this E.H. Code, insofar as they are substantially the same as provisions of existing laws and ordinances relating to the same subject matter, shall be construed as restatements, continuations, and amendments thereof, and not as new enactments.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0105 No Liability/No Warranty.

DEHS and its employees or agents shall not be held liable for any act or omission to act when in "good faith" reliance upon state law, or the ordinances and codes of this jurisdiction, of this E.H. Code, and upon current DEHS policies and procedures. DEHS and its employees or agents shall not be held liable for the negligence of, nor as the guarantor of proper performance, by any person or entity holding any license, permit, certificate, registration, privilege, or other entitlement from DEHS.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

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33.0106 Authority to Investigate, Detain and/or Issue Citation.

Subject to constitutional freedoms and laws respecting rights of privacy, the Director, and such DEHS enforcement officers the director designates, shall have authority to, at all reasonable times, enter any place, property, enclosure or structure to investigate for violations of this E.H. Code; to detail for purposes of investigation or to issue a citation in conformance with relevant state law and of this jurisdiction, to any person committing a misdemeanor or infraction offense in their presence, which is a violation of this E.H. Code.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0107 Interference Unlawful/Criminal Penalties For.

It shall be unlawful for any person or entity to deny access, interfere with, prevent, restrict, obstruct, or hinder DEHS employees or agents acting within the scope of their duty or agency. Offering physical resistance or bodily attack upon authorized representatives of DEHS acting within the scope of their duty or agency is a misdemeanor, punishable by imprisonment in the County jail for not less than ten (10) days, without the alternative of a fine.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0108 Freedom of Information.

In accordance with Government Code Section 6250 et seq., generally, all DEHS routine inspection activities and files shall be readily accessible to public inspection. DEHS may charge reasonable fees to cover the administrative costs of making such information available. In the absence of a specific court order, DEHS shall not disclose to the public any information concerning complainants, epidemiological studies, medical records, criminal investigations, private matters, trade secrets, or any information which would reveal the identity of any person who gave information to DEHS in confidence, or otherwise violate any person's right to privacy. Administrative procedures for information requests shall include in person identification of the requestor from suitable photo identification and completion of a request form, showing what information was requested and the requestor's name and address, a copy of which DEHS shall make available to the permit holder or other affected parties.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

33.0109 Administrative Due Process.

Every DEHS Administrative Hearing and related activity shall properly consider all constitutional due process principles and generally proceed as provided in Chapter 2 and Chapter 3 of this E.H. Code.

Adopted Ordinance #527 (1942); Amended Ordinance #810 (1956; Amended Ordinance #850 (1958); Restated and renumbered Ordinance #3105 (1986);

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33.0110 Remedies for Public Nuisances.

In addition to criminal prosecution, civil action, and every other remedy or penalty provided by law, public nuisance may be abated or enjoined in an action brought by DEHS, or under circumstances immediately dangerous to a public health or safety may be summarily abated by DEHS enforcement officers as provided herein or otherwise in the manner provided by law for the summary abatement of public nuisances.

Restated and renumbered Ordinance #3105 (1986);

33.0111 Civil Remedies for Fraud or Unfair Business Practices.

In addition to every other remedy or penalty provided by law, DEHS shall refer suspected fraudulent or unfair business practices as defined in the California and Professions Code to the appropriate prosecutorial authority for further investigation and civil remedies.

Restated and renumbered Ordinance #3105 (1986);

33.0112 Criminal Penalties.

(a) Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of this Division shall be guilty of an infraction or misdemeanor as hereinafter specified. Each day or portion thereof such violation is in existence shall be a new and separate offense.

(b) Any person so convicted shall be:

(1) Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) and not less than fifty dollars (\$50) for a first offense.

(2) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) and not less than one hundred dollars (\$100) for a second offense.

(3) The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding one thousand dollars (\$1,000) and not less than five hundred dollars (\$500) or six (6) months in jail, or both.

(4) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(c) Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

(d) In addition to the above penalties, the Court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing, inspecting, abating and prosecuting the enforcement action against the guilty party. The Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

(e) The owner, manager, and operator of every activity or facility subject to this Division of the San Bernardino County Code shall be responsible for any violation of this Division by an employee.

Restated and renumbered Ordinance #3105 (1986); Amended Ordinance #3585 (1994);

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33.0113 Injunction.

Any violation of this Division is hereby declared to be unlawful and a public nuisance. Upon request of the Director of Environmental Health Services, an action for injunctive relief may be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief to abate or remove such illegal activity and restrain any person from engaging in such illegal activity. This remedy shall be in addition to any other civil or criminal penalty provision.

Restated and renumbered Ordinance #3105 (1986); Amended Ordinance #3585 (1994);

33.0114 Notice of Action.

A notice of action affecting the title to a possession of real property may be filed in the County Recorder's office at the time of commencement of legal action or any time thereafter pursuant to Government Code section 27280 et seq., or other applicable statutes. The County Recorder shall record and index the notice in the name of each person and property specified in the action or proceeding. After all violations have been corrected, the County shall record in the Office of the County Recorder a document terminating the notice.

Restated and renumbered Ordinance #3105 (1986); Amended Ordinance #3585 (1994);

33.0115 Definitions Generally.

Definitions herein shall supplement all definitions throughout the California Health and Safety Code and elsewhere in state laws and regulations pertaining to environmental health and Division 3 of Title 3 of the San Bernardino Code.

(a) "County Fire Department" shall be the San Bernardino County Consolidated Fire District.

(b) DEHS shall be the Division of Environmental Health Services of the Public Health Department of the County of San Bernardino

(c) "Director" shall be the Chief of the Division of Environmental Health Services of the Public Health Department of the County of San Bernardino.

(d) "Enforcement Officer" shall be any employee or agent so designated by the Chief of the Division of Environmental Health Services.

(e) "Laws" shall include all statutes, regulations, rules, resolutions, ordinances, orders, judicial appellate opinions, and every other legal authority pertaining to the Environmental Health and Consumer Protection Programs of DEHS.

(f) "Operator" shall be any person or entity engaged in any pursuit pertaining to activities or facilities subject to DEHS jurisdiction.

(g) "Owner" shall be any person or entity having a financial interest in any activity or facility subject to DEHS jurisdiction.

(h) "Person" shall include individuals, general partnerships, joint ventures, corporations, state and local governmental entities, the U.S. Government and its agencies to the degree authorized by federal law, every other legal entity or any association having legal obligations subject to the provisions of Division 3 of Title 3 of the San Bernardino County Code.

(i) "Public Nuisance" shall be as defined in Chapter 3 of Division 3 of Title 3 of the

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San Bernardino County Code.

(j) "Temporary Special Event" shall be as defined at San Bernardino County Code Section 41.1510(f).

Restated and renumbered Ordinance #3105 (1986); Amended Ordinance #3611 (1995);

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Chapter 2

PERMITS AND HEARING PROCEDURES

Sections:

- 33.020 Authority.
- 33.021 DEHS Plan Review and Construction Permits Required.
- 33.022 Current Operational Permits Required.
- 33.023 Administration of Permits. Special Processing fees and Penalties.
- 33.024 Operating With an Expired Permit Unlawful.
- 33.025 Grounds for Revocation of Permits and Penalties for Continued Operation.
- 33.026 Administrative Procedures Where Permits Revoked.
- 33.027 Grounds for Summary Suspension of Permits and Penalties for Continued Operation.
- 33.028 Administrative Procedures Where Suspended Permits.
- 33.029 Administrative Hearing Procedures.
- 33.0210 Violations, Remedies, and Penalties.

33.020 Authority.

Pursuant to the authority cited in Chapter I (Authority and Administration) of this Environmental Health Code (E.H. Code), the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the following permit and hearing procedures.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986); Amended ordinance #3611 (1995);

33.021 DEHS Plan Review and Construction Permits Required.

No person or entity shall commence any construction activity, remodel, alteration, substantial addition or change in equipment and/or scope of operation for any activity or facility subject to DEHS jurisdiction whether permanent or for temporary special events, without first obtaining written approval of three (3) sets, or more as required herein, of detailed plans submitted to DEHS accompanied with plan check fees in those amounts specified in the San Bernardino County Code Schedule of Fees. Scaled plans shall be in a conventional format that allows rapid review by DEHS. Where complex, unique, or peculiar public health and safety risks may be created by the proposed activity or facility, DEHS may require special engineering studies sufficient to demonstrate that every reasonable elimination or reduction of such risks has or will be taken. No deviation from approved or corrected plans shall occur without written approval of DEHS. No construction or related activity shall occur at the job site without DEHS approved or corrected plans being presented. DEHS inspection and approval shall be obtained at the completion or each construction phase. Operational permits shall be obtained from DEHS before the activity or facility is operated or opened to the public.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

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33.022 Current Operational Permits Required.

No person or entity shall own, operate, or allow the operation of any activity or facility subject to DEHS jurisdiction, whether permanent or for temporary special events, without first applying for, receiving, and retaining an unexpired, unsuspended, unrevoked DEHS operational permit for each activity or facility, and paying fees to DEHS in those amounts specified in the San Bernardino County Code Schedule of Fees.

Each applicant shall furnish accurate names, addresses, and other relevant information reasonably required by DEHS for administration of this E.H. Code. By the signature of the applicant's representative on the application, each applicant consents to periodic unannounced inspection(s) at all reasonable business hours by DEHS Enforcement Officers, and to the collection of evidence, samples, photographs, examination of invoices, and all other reasonable inspection procedures to determine compliance with all applicable laws enforced by DEHS.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.023 Administration of Permits. Special Processing Fees and Penalties.

Except as otherwise provided herein, DEHS permits shall not be transferable from one person or entity to another or from one location to another. Each such permit shall be placed in a conspicuous place in or on the permitted activity or facility in the manner prescribed by DEHS. Applicants shall renew permits prior to their expiration. DEHS may assess reasonable special processing fees against any activity or facility operating without a permit; with an expired, suspended, or revoked permit; and when checks are returned without payment; as set forth in the San Bernardino County Code Schedule of Fees.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.024 Operating With an Expired Permit Unlawful.

Any person or entity operating or allowing the operation of any activity or facility subject to DEHS jurisdiction with a permit expired for more than thirty (30) days without having made application for renewal with DEHS, shall be guilty of an infraction offense for each day or portion thereof such violation exists. The penalty upon conviction thereof shall be a fine of at least twenty-five dollars (\$25) but shall not exceed one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for the second conviction within one (1) year, and a fine not exceeding five hundred dollars (\$500) for the third conviction within one (1) year. The fourth and additional convictions within one (1) year shall result in revocation of the permit to operate as set forth in Section 33.025 herein.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

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33.025 Grounds for Revocation of Permits and Penalties for Continued Operation.

DEHS may revoke operational permits for repeated noncompliance with relevant law, or otherwise for just cause where the health or safety of the public may be endangered. Prior to such revocation, DEHS shall, by an Administrative Order to Show Cause (OSC), notify the permit holder to show cause why such permit should not be revoked by DEHS. The OSC shall state the allegations and evidence leading to its issuance and notify the permit holder of the right to a hearing on the OSC if requested within fifteen (15) calendar days after receipt of the OSC or else such right to a hearing shall be deemed waived. Unless the DEHS operational permit is also suspended, any activity or facility may continue to operate pending action on the OSC. Continued operation of any activity or facility after revocation of relevant DEHS operational permits is a misdemeanor and any person or entity so convicted shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or six (6) months in jail, or both.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.026 Administrative Procedures Where Permits Revoked.

All conditions upon which DEHS based a revocation shall be corrected in an approved manner prior to an activity or facility being granted a new permit to operate. Where revocation of a DEHS permit has occurred, the applicant shall apply in the manner provided for new applicants, shall pay all appropriate fees, and shall include a signed statement by the applicant that all conditions complained of by DEHS have been completely corrected.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.027 Grounds for Summary Suspension of Permits and Penalties for Continued Operation.

DEHS may summarily suspend any DEHS permit when DEHS finds or reasonably suspects continued operation of the facility or activity may constitute an immediate public health hazard. Additionally, whenever DEHS authorized representatives are denied access or entry to any part of the activity or facility under DEHS jurisdiction or permit, interfered with, prevented, restricted, obstructed, or otherwise unreasonably hindered in the performance of their duties, DEHS may summarily suspend the applicable DEHS permits to operate. Any person continuing to operate any activity or facility after suspension of any DEHS permit to operate, shall be guilty of an infraction offense for each day or portion thereof such violation exists. The penalty upon conviction thereof shall be a fine of at least twenty-five dollars (\$25), but not exceeding one hundred dollars (\$100) for a first violation, a fine not exceeding two hundred dollars (\$200) for the second conviction within one (1) year, and a fine not exceeding five hundred dollars (\$500) for the third conviction within one (1) year. The fourth and

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additional conviction(s) within one (1) year shall result in DEHS permit revocation procedures as provided in Section 33.025 herein.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.028 Administrative Procedures Where Suspended Permits.

At the time of suspension, DEHS shall issue a written notice to the permit holder stating the grounds for the suspension and notifying the permit holder of the right to a hearing on the suspension, if requested within fifteen (15) calendar days after the receipt of the notice or else such right to a hearing shall be deemed waived. DEHS shall guarantee a hearing within five (5) days of its receipt of a written request for a hearing on the suspension. Any suspension shall remain in effect until such time as DEHS determines the grounds for suspension as provided in Section 33.027 herein, no longer exist. DEHS shall reinstate such suspended permit within a reasonable period unless it was also revoked.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.029 Administrative Hearing Procedures.

Notwithstanding any other administrative procedure of this jurisdiction, and unless otherwise specified by state law or within this E.H. Code, the following administrative procedure shall be applied for all DEHS hearings pertaining to the denial, suspension, revocation, or denial of reissuance of any license, permit, certificate, registration, privilege, or other entitlement through DEHS. The following procedure shall not be applicable to hearings before the San Bernardino County Board of Supervisors.

(a) An appeal made under this Section shall be made in writing, addressed to the Director of DEHS, within fifteen (15) calendar days of receipt of the Administrative OSC or notice of the denial, suspension, revocation, denial of reissuance, or denial of any claimed entitlement. The appeal shall contain the address to which the Notice of Hearing shall be sent in order for the appeal to be valid.

(b) The hearing officer shall be the Director of DEHS or the Director's appointee for such purpose. Any such appointee shall be a person who has no knowledge of the facts of the particular case at the outset of the hearing, and a person not immediately involved with enforcement activities pertaining to the particular activity or facility concerned.

(c) For revocation proceedings, the hearing shall be held within fifteen (15) calendar days after receipt of a request for a hearing; for post-suspension proceedings the hearing shall be held within five (5) calendar days after receipt of a request for a hearing. Upon written request of the permit holder, the hearing officer may postpone the hearing date or it may be postponed or continued by stipulation of the parties. If the party notified does not respond or appear, no further hearing procedure shall be required.

(d) Witnesses shall swear or affirm to tell the truth. The oath or affirmation shall be taken by the hearing officer. The enforcing officer shall present his/her case first, with oral testimony, documentary, or other evidence. The responding party shall have the right to be represented by counsel, and shall have the right of cross-examination. The

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responding party may present a response after the enforcing officer has presented his/her case. The enforcing officer shall have the right of cross-examination. After both sides have completed presenting evidence, the enforcing officer may comment on the evidence and argue. Thereafter, the responding party may do the same.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing and irrelevant and unduly repetitious evidence shall be excluded.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

33.0210 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Chapter. In addition to those listed herein or elsewhere provided by law, all enforcement procedures, remedies, and penalties of Chapter I (Authority and Administration) shall apply to this Chapter.

Adopted/Amended by Ordinances 850 (1958); 1335 (1967); 1527 (1969); 1633 (1971); 1790 (1973); 1832 (1973); 1924 (1974); 2246 (1978) 2663 (1982); restated and renumbered Ordinance #3105 (1986);

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Chapter 3

PUBLIC NUISANCE ABATEMENT

Sections:

- 33.031 Authority.
- 33.032 Definitions.
- 33.033 Resolution.
- 33.034 Duty to Abate.
- 33.035 Criminal and Civil Penalties Applicable.
- 33.036 (Reserved)
- 33.037 Emergency Abatement.
- 33.038 Notice to Abate.
- 33.039 Appeal Procedure.
- 33.0310 Abatement.
- 33.0311 Payment for Abatement.

33.031 Authority.

Pursuant to the authority cited in Chapter 1 of Division 3 of Title 3 of the San Bernardino Code and other relevant State law, the San Bernardino County Board of Supervisors authorizes the Chief of the County Fire Department (CFD) or the Chief of the Division of Environmental Health Services (DEHS) of the Public Health Department and the Enforcement Officers of the CFD or the DEHS of the County of San Bernardino to enforce the provisions of this Public Nuisance Abatement Chapter within this jurisdiction. Such authority includes the right to enter land for investigation, posting or serving notice, or to cause abatement as herein provided. For purposes of this chapter, all references to DEHS shall also include the CFD, all references to the Director of DEHS shall mean the Chief of the DEHS and shall also include the County Fire Chief, and all references to employees of DEHS shall also include employees of CFD.

Commercial poultry ranches and other activities subject to specific vector control provisions elsewhere in Division 3 of Title 3 of the San Bernardino County Code, shall be exempt from conflicting provisions in this Chapter.

Renumbered and restated Ordinance #3105 (1986); Amended #3611 (1995);

33.032 Definitions.

Definitions stated in other chapters of this E.H. Code shall supplement the following:

(a) "Public Nuisances" shall include:

(1) Breeding and harborage places for invertebrate and vertebrate vectors under conditions of known public health significance including those for mosquitoes, flies, and rodents, as more specifically set forth at Chapter 8 (Waste Management) and Chapter 9 (Insect, Rodent and Other Vector Control) herein.

(2) Accumulations of junk, trash, waste, debris, garbage, rubbish and related materials as set forth more specifically at Chapter 8 (Waste Management) herein and including: scrap metals, scrap lumber, scrap plastic or polymer materials, scrap building materials, scrap pipe or plumbing fixtures, junked appliances or furniture, dismantled, junked, or wrecked motor vehicles, machinery, or equipment or parts thereof, rags, bedding, tree and landscape trimmings, rope, waste oil, batteries, paper, rubber, and similar accumulations under conditions incompatible with their originally intended use or location as set forth more specifically in the planning and zoning laws of this jurisdiction,

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or otherwise in any manner detrimental to the public health.

(3) Hazardous materials which are corrosive, toxic, ignitable, irritants, infectious, strong sensitizers, generate pressure by decomposition or other means or otherwise are present under circumstances that could endanger the public health and safety, as set forth more specifically herein at Chapter 7 (Hazardous Materials and Toxics Control).

(4) Incompatible materials unsuitable for commingling where circumstances suggest a likelihood of explosion, spontaneous combustion, chemical reaction, fire, extreme heat, toxic substance formulation or other dangerous reaction so as to endanger the public health and safety, as set forth more specifically herein at Chapter 7 (Hazardous Materials and Toxics Control) and by the fire codes of this jurisdiction.

(5) Infectious and related wastes and odors therefrom including from: hospitals and medical facilities, sewers, cesspools, septic tanks, leach lines and fields (whether of individual or multiple ownership), toilets, holding tanks, seepage pits, butcher offal, pet droppings, excrement, urine, laundry water, manure accumulations, dead animals, putrid matter, and similar materials under circumstances endangering the public health and safety, as set forth more specifically herein at Chapter 7 (Hazardous Materials and Toxics Control) and Chapter 8 (Waste Management).

(6) Open, unused, or abandoned: buildings, structures, foundations, basements, excavations, swimming pools, wells, ponds, pits, shafts, and similar unfenced, unsealed, or unsecured situations of immediate danger to the public health and safety.

(7) Any device, sign, decoration, design, or fence, which is outside of a four-walled and roofed structure and determined to be unlawful by reason of its condition or inappropriate use or location as defined in Title 8 (Development Code) of the San Bernardino County Code or by the development code of this jurisdiction.

(8) Any animal, fowl, or bird, wild or domestic, other than cats, dogs, canaries or birds of the psittacinae family, within seventy (70) feet of any school, church, hospital, public place or business, or any residence or dwelling house or other building used for human habitation, other than the personal dwelling of the person owning or controlling such animal, fowl, or bird. The subsection shall not apply to accredited laboratories regulated by the State Department of Health Services.

(9) Any privy or outhouse: on premises where domestic water under pressure is available; without suitable shelter to afford privacy and protection from the elements; without an automatically self-closing door adequate to exclude flies from the pit; in disrepair; with vaults filled with excreta not regularly and thoroughly disinfected; within forty (40) feet of any dwelling, residence, school, church, hospital or public place of business, except with the permission of the occupants or operators of such dwelling, residence, school, church, hospital, or public place of business.

(10) Any toilet, washroom, or bath or shower room for the use of employees, patrons, or the public where: the floors, walls, ceilings, lavatories, urinals, toilet bowl, bath or showers have accumulations of dirt, filth or corrosion; lavatories are not supplied with soap, individual towels and a receptacle for their disposal; toilet rooms are not provided with toilet paper.

(11) Castor bean (*Ricinus communis*) plants located in unsecured situations that pose an immediate danger to the public and safety.

(12) Any situation or activity which exists, is conducted, maintained, or permitted, known at common-law, in equity jurisprudence, specified at California Civil Code Section 3479 et seq., Penal Code Section 370, or elsewhere defined in state law or by the laws of this jurisdiction as a public nuisance and within the authority of DEHS

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to abate.

(13) Graffiti on any residence, rental housing, multi-residential, commercial or industrial building, structure, sidewalk or driveway.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance 2717 (1998);

33.033 Resolution.

(a) Whenever a public nuisance as defined herein exists anywhere within this jurisdiction, the Board or Council governing this jurisdiction may, by resolution, declare such to be a public nuisance.

(b) Such resolution may refer to the public nuisance location by the name under which it is commonly known, by street number and name, in reference to adjacent or nearby roads, streets, or highways, by the County Assessor's parcel number(s) (APN), or by an abbreviated legal description.

Renumbered and restated Ordinance #3105 (1986);

33.034 Duty to Abate.

No person or entity shall cause, permit, maintain, conduct, or otherwise allow a public nuisance as defined herein to exist within this jurisdiction. It shall be the duty of every owner, occupant, and person in control of any land or interest therein located within this jurisdiction to remove, abate, and prevent the recurrence of a public nuisance upon such land or interest therein. Any recurrence of a condition may be deemed to be a continuation of the original condition.

Renumbered and restated Ordinance #3105 (1986);

33.035 Criminal and Civil Penalties Applicable.

Violations of this Chapter are also subject to all enforcement, criminal, and civil penalty provisions of Chapter 1 (Authority and Administration) and Chapter 2 (Permits and Hearing Procedures) of this E.H. Code which are incorporated herein by reference and all other remedies and penalties provided by law, and are not limited or superseded by this Chapter.

Renumbered and restated Ordinance #3105 (1986);

33.036 (Reserved)

33.037 Emergency Abatement.

When a public nuisance constitutes an immediate hazard or threat of harm and the situation calls for abatement sooner than the abatement procedures herein otherwise allow, the director and enforcement officers of DEHS may take or cause emergency abatement of such nuisance with such notice to parties concerned, or without notice, as the particular circumstances reasonably allow.

Renumbered and restated Ordinance #3105 (1986);

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33.038 Notice to Abate.

After the governing Board or Council of this jurisdiction by resolution determines the existence of a public nuisance, the director of DEHS or designated agent shall issue a "Notice to Abate" by either of the following methods:

(a) Mailing a copy by first class or certified mail addressed to the owner, person, or entity with a mailing address as shown on available tax or assessment rolls of the County of San Bernardino; and by posting a copy at the concerned property.

(b) Personal service upon the owner or occupant of the concerned property. The form "Notice to Abate" shall be substantially in the form following. In the absence of exigent circumstances, the notice may not require abatement in less than ten (10) days.

NOTICE TO ABATE

Issued
this: _____

Month

Day

Year

By virtue of proceedings under authority of San Bernardino County Code Section 33.031 *et seq.*,

YOU ARE HEREBY NOTIFIED TO ABATE from your property described as

Assessor's Parcel

Number/A PN

Number and Street

Post Office

from the County of San Bernardino Assessor's/Tax Records which list the owner as:

_____ of
Name

Address

Post Office

State

Zip

the following public nuisances:

If said nuisances are not abated within _____ days of the above date, the Director of Environmental Health Services or his duly designated officer may order said conditions abated by public employees, private contractor, or other person, and the cost of said abatement and all directly related investigative and administrative costs shall be billed directly to the property owner or levied and assessed against the property as a special assessment lien.

Any appeal from this order must be in writing and brought within ten (10) days to the Director, who will set the same for hearing before a Board of Appeals and notify you of the date of such hearing.

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Failure to abate or to appeal within the times allotted may also make you subject to criminal and civil remedies. Your cooperation is appreciated.

Name and Title of Issuing Officer

Department of Environmental Health Services
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

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33.039 Appeal Procedure.

Any person or entity served, constructively or personally, with the notice set forth in Section 33.038 may appeal in writing to the Director of DEHS within ten (10) days of said service. The Director shall cause the matter to be set for hearing before a Board of Appeals and notify the appellant of the date set for such hearing at least fifteen (15) days prior to such date or, if the appellant resides outside the County, at least twenty-five (25) days prior to such date. The Board of Appeals shall act on the appeal and its determination shall be conclusive. The Board of Appeals shall be appointed by the Director and consist of three (3) persons as follows: A DEHS officer but not the notice issuing officer nor anyone having knowledge of the particular case, a public member, a deputy of the County Counsel of San Bernardino County or legal representative of the governing Board/Council of this jurisdiction. Except as provided herein, the provisions of Section 33.029 (Administrative Hearing Procedures) of Chapter 2 of this E.H. Code are incorporated here by reference.

33.0310 Abatement.

If, at the end of the time allowed for compliance in the original notice or as extended in cases of appeal, compliance has not been accomplished, DEHS may cause the abatement by public employees, or by private contractor selected and approved by the governing Board or Council of this jurisdiction in the manner under the terms provided by this chapter, and if such abatement is so carried out, such property shall be subject to a special assessment lien for the costs of the abatement.

33.0311 Payment for Abatement.

(a) Procedure for Payment. When said abatement has been completed, the Director of DEHS shall render to the San Bernardino County Auditor-Controller an itemized statement covering work necessary for the abatement. The Auditor-Controller shall pay the same from the funds of the agency or department causing said work to be done, and the Director shall present to the owner a demand for payment by mail. If payment is not made on behalf of the owner within sixty (60) days after mailing such bill, the Director shall certify to the Auditor-Controller the remaining unpaid cost, together with the information required by law in such cases. The Auditor-Controller shall cause the amount of the same to be entered upon the property from which abatement was accomplished, and the said special assessment and tax shall be included upon the next succeeding tax statement. Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

(b) Appeals. Any appeal from these charges must be filed within sixty (60) days from the date of billing or receipt of a tax bill which shows abatement charges. The appeal procedure shall be essentially the same as Section 33.039 of this Chapter, and the Appeal Board's decision shall be conclusive.

(c) Cancellation of Claim. All or any portion of any such special assessment, penalty, or costs heretofore entered, shall on order of the Board of Appeals be

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cancelled by the Auditor-Controller if uncollected, or, except in the case provided for in subdivision (5) hereof, refunded by the County Treasurer if collected, if it or they were entered, charged, or paid;

- (1) More than once;
- (2) Through clerical error;
- (3) Through the error or mistake of the Board of Appeals, the Director, or the person designated by them to give notice to abate regarding any material fact relevant to the determination of a claim.

- (4) Illegally;

- (5) On property acquired after the lien date by the State or by any county, city, school district, or other political subdivision and because of this public ownership, not subject to sale for delinquent taxes.

(d) Procedure for Refund of Payment. No order for a refund under the foregoing section shall be made except on a claim:

- (1) Verified by the person who paid the special assessment, their guardian, executor, or administrator;

- (2) Filed within three (3) years after making the payment sought to be refunded.

The provisions of this Section do not apply to cancellations.

Renumbered and restated Ordinance #3105 (1986);

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Chapter 4

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Sections:

- 33.041 Authority.
- 33.042 Definitions.
- 33.043 Plan Review and Construction Permits Required.
- 33.044 Current Operational Permit Required.
- 33.045 Enforcement Activities.
- 33.046 General Health, Safety, and Sanitation Requirements.
- 33.047 Specific Requirements.
- 33.048 Lavatory, Establishments Serving Food and Beverages.
- 33.049 Nonpermanent Food Facilities.
- 33.0410 Food Worker or Manager Training. Certificates Required.
- 33.0411 Violations, Remedies, and Penalties.

33.041 Authority.

Pursuant to the authority cited in Chapter I (Authority and Administration) of this Environmental Health Code (E.H. Code), Health and Safety Code Section 3700 et seq. (Common Cup), Section 3800 et seq. (Common Towel), Section 4000 et seq. (Ice), Section 4040 et seq. (Bottled Water), Section 5474.20 et seq. (Food Crop Growing and Harvesting Sanitation), Section 25885 et seq. (Glazed Ceramic Tableware), Section 260(10 et seq. (Sherman Food, Drug and Cosmetic), Section 27500 et seq. (Uniform Retail Food Facilities), Section 28110 et seq. (Cold Storage Foods), Section 28280 et seq. (Food Sanitation), Section 28360 et seq. (Canneries), Section 28700 et seq. (Frozen Foods), Administrative Code, Title 17, Penal Code Section 383 (Sale of Adulterated Products), and other applicable state law, this jurisdiction authorizes, that all food protection laws of the state and of this E.H. Code be enforced within this jurisdiction by the director and enforcement officers of the Department of Environmental Health Services (DEHS) of the County of San Bernardino. All provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter except as provided herein.

Renumbered and restated Ordinance #3105 (1986);

33.042 Definitions.

Definitions herein shall supplement all definitions in State law pertaining to food protection, and of Chapters I and 3 of this E.H. Code.

(a) "Charitable Organization" shall be any church, church society, private club, or any other nonprofit association of principally a religious, philanthropic, civic improvement, social, political, or educational nature.

(b) "Convenience Store" shall be any retail food facility or portion thereof where activities primarily relate to self-service prepackaged foods and limited nonpotentially hazardous food preparation by employees, such as popcorn, beverages, ice products, condiments and limited potentially hazardous food preparation by employees, such as hot dog warming.

(c) "Food Establishment and Food Facility" as used in this Chapter shall include retail and wholesale operations.

(d) "Food Handling Place" shall be any retail or wholesale facility or portion thereof where activities primarily relate to food being held for or made available to the public in

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a packaged form or state requiring further processing off of the facility's premises. It shall include warehouses; grocery stores; vegetable markets; produce stands; seasonal produce stands; certified farmers' markets; supermarkets; meat markets; seafood markets; health food stores; beer, wine, or alcoholic beverage distributors; and similar operations at a fixed location.

(e) "Food Hawker Vehicle," "Food Catering Vehicle," or "Food Vehicle" shall be as "vehicle" is defined at California Health and Safety Code Section 27540.

(f) "Food Processor" shall be any wholesale facility or portion thereof where activities primarily relate to large-scale food preparation for consumption off the facility's premises. It shall include bakeries, ice plants, canneries, bottlers, frozen food plants, salvagers, manufacturing plants, processing plants, commissaries, school kitchens, and similar operations at a fixed location.

(g) "Food Service Manager" shall be the owner, operator, or licensee managing the food service operations and employees at any facility subject to this Chapter where food preparation or processing occurs.

(h) "Food Worker" shall be any person engaged or employed in any activity or facility subject to this Chapter so that some portion of their person, clothing, or body discharge could come in contact with exposed food or food contact surfaces. It shall not include workers exempted by the Agriculture Code, nor workers in charitable and similar nonprofit associations where activities are exempted from DEHS permit fees.

(i) "Ice/Slush Products Machine" shall be any machine manufacturing a nondairy ice/slush product upon the principle of scraper blades sweeping a freezing surface or block of ice.

(j) "Itinerant" shall include "mobile food preparation unit" as defined at California Health and Safety Code Section 27526 and "temporary food facility" as defined at Health and Safety Code Section 27538.

(k) "Nonpotentially Hazardous Foods" shall be all foods not defined as "potentially hazardous foods" in California Health and Safety Code Section 27531.

(l) "Public Eating Place" shall be any retail food facility or portion thereof where activities primarily relate to the preparation of food for consumption on the facility's premises or for carry-out per customer order. It shall include restaurants, cafeterias, cafes, bakeries, taverns, bars, lounges, ice cream parlors, soda fountains, walk-in and drive-in movie theater snack bars, public or private school cafeterias, delicatessens, sandwich shops, snack bars, nonexempt food service operations, and similar food service operations at a fixed location.

(m) "Seasonal" shall mean an operation totaling not more than six (6) months per year.

Renumbered and restated Ordinance #3105 (1986);

33.043 Plan Review and Construction Permits Required.

No construction activity shall occur for any facility or activity subject to DEHS jurisdiction without plan review and construction permits first being obtained from DEHS as provided for in Chapter 2 of this E.H. Code.

Renumbered and restated Ordinance #3105 (1986);

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33.044 Current Operational Permit Required.

(a) Generally. Except as exempted herein, no person or entity shall own, operate or permit any retail or wholesale activity pertaining to the handling or holding of food for the public, without first applying for, receiving and retaining an unexpired, unsuspended, unrevoked permit from DEHS for each food facility or activity, and paying fees to DEHS in those amounts specified in the San Bernardino County Code Schedule of Fees, in accordance with Chapter 2 of this E.H. Code.

(b) Charitable Organizations Exempt from Fees. At member-only events, events not generally open to the public, and at occasional public fund-raising events, charitable organizations and similar nonprofit associations shall be exempt from DEHS fees, but shall notify DEHS, follow accepted food handling techniques, and operate from locations with facilities adequate that such techniques may be reasonably followed.

(c) Private Activities Exempt. Cooperative private food handling activities and noncommercial food activities in private homes are exempt from this chapter.

(d) Limited Commercial Exemption. This Chapter shall not apply where only nonpotentially hazardous food, properly packaged or protected, properly labeled, and with no evidence of adulteration or exposure to adulteration, is vended to the public in machines, or made available in public displays of ten (10) square feet or less.

Renumbered and restated Ordinance #3105 (1986);

33.045 Enforcement Activities.

Enforcement activities shall generally proceed as set forth in Chapters 1, 2, and 3 of this E.H. Code, and relevant state law pertaining to public food protection.

Renumbered and restated Ordinance #3105 (1986);

33.046 General Health, Safety, and Sanitation Requirements.

Every activity or facility subject to DEHS jurisdiction shall be so designed, constructed, repaired, replaced, conducted, operated, controlled, inspected, supervised, tested, and otherwise properly managed so that every reasonable step is taken to eliminate, reduce, or minimize the likelihood of injury, disease, or other harm where food activities relate to the public. Those requirements, specifications, and/or standards provided by state law for public food protection are hereby made applicable to every facility or activity subject to DEHS jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.047 Specific Requirements.

(a) Current Standards Apply. Every food facility or activity subject to DEHS jurisdiction herein established, or upon change in scope of operation, construction, reconstruction, conversion, remodeling, additions or replacement of equipment or fixtures or other substantial change, shall comply with all current approved standards.

(b) Protection of Food from Adulteration or Contamination. Every food facility or activity subject to DEHS jurisdiction shall be so conducted that every reasonable step is taken to protect food from every circumstance whereby it may become adulterated, contaminated, or exposed to adulteration or contamination.

(c) Daily Cleaning Required. All food contact surfaces in every food facility or activity subject to DEHS jurisdiction shall be thoroughly cleaned at least daily of all accumulated dust, dirt, grease, food residues, and every other filth.

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(d) Other Specific Requirements. Where a state standard is not prescribed for any facility or activity subject to DEHS jurisdiction, the standards of this Chapter shall be complied with.

Renumbered and restated Ordinance #3105 (1986);

33.048 Lavatory, Establishments Serving Food and Beverages.

(a) Every restaurant, cafe, bar, tea room, facility or other place where food, beer or alcoholic liquor is sold for consumption on the premises shall have maintained by the operator thereof, accessible within the enclosure walls of the building, room, or place, at least one separate toilet and adjacent hand washing facility for men and one separate toilet and adjacent hand washing facility for women, for the use of the patrons and employees of such establishment. All hand washing facilities shall be supplied with hot and cold running water under pressure. All establishments serving alcoholic beverages for consumption on the premises shall provide a minimum of one (1) urinal in each men's toilet room. All plumbing and plumbing fixtures shall be kept in good repair.

(b) EXCEPTIONS:

(1) Public toilets may be accessible through an outside entrance if the building is free standing with no adjacent barriers to entrance of restrooms.

(2) Provided no alcoholic beverages are sold for consumption on the premises, only one (1) public toilet for customers will be required if:

(A) The customer area inside the establishment is less than three hundred (300) square feet, as determined by DEHS; or

(B) The seating area outside the establishment is less than three hundred (300) square feet, as determined by DEHS.

(3) If a building is remodeled so either the inside customer area or the outside seating area becomes greater than three hundred (300) square feet, then two (2) customer restrooms will be required as specified in subdivision (a) of this section.

Renumbered and restated Ordinance #3105 (1986);

33.049 Nonpermanent Food Facilities.

(a) Permits Required. Except as exempted herein, it shall be unlawful for any person to proclaim, hawk, peddle, cater, prepare, or serve food to the public from any vehicle, motorized or nonmotorized conveyance, mobile food preparation unit, temporary, itinerant, portable food service unit, vending machine, or otherwise prepare or hold food for the public without first applying for, receiving and retaining an unexpired, unsuspended and unrevoked permit from DEHS for each, and paying fees to DEHS in those amounts specified in the San Bernardino County Code Schedule of Fees, as set forth in Chapter 2 of this E.H. Code.

(b) Posting of Permits. Every permit sticker or document issued pursuant to subparagraph (a) shall be immediately affixed by the permit holder prominently on the vehicle, conveyance, food unit, or vending machine in the manner specified by DEHS.

(c) Temporary Special Event Requirements. For temporary special events, no permit shall be issued by DEHS unless previously or concurrently every requirement of Title 4, Chapter 15 of the San Bernardino County Code, or the requirements of this jurisdiction for such events, have been complied with.

(d) Documentation of Authority to Occupy Private Land. Every application for a DEHS permit pursuant to this section shall be accompanied with: (1) a letter of authorization from the legal owner or occupant upon which the vehicle, conveyance, or

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food unit is to be located, (2) a letter of authorization for the use of and documentation of the availability of DEHS approved toilet and handwashing facilities within two hundred (200) feet of and available for use whenever the vehicle, conveyance, or food unit is in operation; or otherwise provide such toilet and handwashing facilities within reasonable proximity as determined by DEHS.

(e) Sanitation Prerequisites to Permit Issuance. Every applicant for a permit pursuant to this Section shall comply with every applicable state law before receiving a permit to operate.

(f) Itinerants (Mobiles and Temporaries) Generally Prohibited. Food processing or preparation is prohibited in any vehicle, conveyance or other mobile itinerant, temporary or portable food unit except as provided in subdivision (g) herein, and except at facilities approved by DEHS and only at temporary special events, fairs, community celebrations, outdoor festivals, rodeos, circuses, carnivals, official off-road races and other similar official events of short duration under special permit of this jurisdiction.

(g) Itinerants (Mobiles and Temporaries) Allowed. Mobile food facilities that handle cappuccino and other coffee-based or cocoa-based beverages that may contain cream, milk or similar dairy products and which meet the requirements of California Health and Safety Code sections 114260, 114265 and 114270 are allowed.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance 3848 (2002);

33.0410 Food Worker or Manager Training. Certificates Required.

(a) Intent. This section is intended to set forth a uniform minimum standard of training and certification for all food workers and food service managers within this jurisdiction regarding food protection laws of the State and of this E.H. Code.

(b) Applicability. Except as provided herein, no person shall work or allow the employment of any person as a food worker within this jurisdiction except when such food worker possesses an unexpired, unsuspended, unrevoked food worker or food service manager certificate, or as a food service manager within this jurisdiction except with a food service manager certificate from DEHS. Food workers are exempt from this requirement for fourteen (14) calendar days following the date of employment if working under the supervision of a person holding an unexpired, unsuspended, unrevoked food service manager certificate from DEHS.

(c) Reciprocity. Food worker or manager certificates or cards and similar documents issued by other governmental agencies may be recognized by DEHS up to their stated expiration date, or up to two (2) years from the date of issue where no expiration date is stated.

(d) Food Worker Certificate Eligibility. A person shall be eligible for a Food Worker Certificate after paying a fee to DEHS in that amount specified in the San Bernardino County Code Schedule of Fees and successfully passing a DEHS-approved training course and proficiency examination. Every training course shall include at least two (2) instructional hours in: microorganisms, sources of food borne disease, means whereby food is contaminated by microorganisms or toxic substances, methods of protecting food to prevent food borne illnesses, time and temperature criteria preventing food borne illnesses, food worker personal hygiene, disease transmission by utensils or equipment, and multi-use utensil washing and sanitizing procedures. Every training course shall be conducted with qualified instructors and in facilities approved by DEHS.

(e) Food Service Manager Certificate Eligibility. A person shall be eligible for a Food Service Manager Certificate after paying a fee to DEHS in that amount specified in

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San Bernardino County Code Schedule of Fees and successfully passing a DEHS-approved training course/proficiency examination. Every training course shall include at least sixteen (16) instructional hours in all subjects listed in subparagraph (d) and additional instruction in: housekeeping and waste disposal practices, food purchasing, transportation, receiving, and storage, food preparation and use; sanitation of kitchens and dining service, health regulations, sanitation and safety management.

(f) Alternate Food Service Manager Certificate Eligibility. A person shall be eligible for a Food Service Manager Certificate after paying a fee to DEHS in that amount specified in the San Bernardino County Code Schedule of Fees and passing a DEHS proficiency examination, when such person possesses one or more of the following combinations of academic preparation and work experience: (1) a baccalaureate degree with at least a minor in food service operations, environmental sanitation, biological sciences, hospitality services, or related subjects, and at least one (1) year of relevant work experience; (2) an Associate-in-Arts/Science degree of thirty (30) semester units of coursework in those subjects listed in subparagraphs (d) and (e) and at least two (2) years of relevant work experience; (3) academic preparation equivalent to a Registered Sanitarian, and two (2) years relevant work experience.

(g) Expiration of Certificates. Every Food Worker and Food Service Manager Certificate shall expire three (3) years from the date of issuance. Certificates shall not show an issuance date greater than one (1) month beyond the date of the holder passing a DEHS-approved proficiency examination.

(h) Certificate Requirements After Issuance. Food Worker and Food Service Manager Certificates are nontransferable. Every food worker or manager on duty in any activity or facility subject to DEHS jurisdiction shall possess and present the required certificate upon request to DEHS enforcement officers. Every owner or operator of every facility engaging food worker(s) and/or manager(s) shall maintain upon the premises of such food facility a copy of an unexpired food worker certificate or food service manager certificate for all currently employed food worker(s) and manager(s) thereat, and present such copies upon request to DEHS enforcement officers.

(i) Certificate Suspension and Due Process Generally. After consulting with the Health Officer, DEHS enforcement officers may summarily suspend any Food Worker Certificate and Food Service Manager Certificates upon reasonable cause to suspect that the holder of such certificate may pose an immediate risk of infectious disease transmission to the public or coworkers. Whenever a certificate is summarily suspended, the enforcement officer shall issue to the holder thereof a written notice setting forth the grounds for such suspension and informing the holder to their right to a hearing thereon within fifteen (15) calendar days or else such right shall be deemed waived. Generally, the administrative procedures set forth in Section 33.028 of this E.H. Code shall apply except as follows:

(1) Any person whose certificate has been summarily suspended shall immediately surrender their certificate to a DEHS enforcement officer upon demand and immediately cease food worker activities.

(2) Such suspension and cessation shall continue until the Health Officer certifies to DEHS that the risk of infectious disease transmission from such food worker has ceased. At such time, DEHS shall return the suspended certificate to the holder within a reasonable period.

(j) Right of Appeal Procedures. Upon initial suspension of their DEHS certificate, any food worker or food service manager may appeal such suspension to the Director of DEHS and request a hearing thereon if such appeal or request for hearing is in writing and filed with the Director within fifteen (15) calendar days of such suspension; if

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not filed within such period, the right to appeal is deemed waived. Such appeal/request for hearing shall be accompanied with documentation approved by the Health Officer, showing no infectious disease transmission risk exists. Thereafter, at reasonable periodic intervals, any food worker or food service manager whose certificate has been suspended may petition for a review of their current health status and for the end to such certificate suspension. Such petition shall be accompanied with documentation approved by the Health Officer, to support the petition. Upon a proper showing, DEHS shall act upon the petition in the manner set forth for administrative hearings in Chapter 2 (Permits and Hearing Procedures) of this E.H. Code.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance 3608 (1995);

33.0411 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Chapter. Except as provided herein, all remedies/penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

DAIRIES AND DAIRY PRODUCTS

Chapter 5

DAIRIES AND DAIRY PRODUCTS

Sections:

- 33.051 Authority.
- 33.052 Standards and Requirements for Milk, Cream, and Milk Products.
- 33.053 Definitions.
- 33.054 Application for Permits.
- 33.055 Fees.
- 33.056 Expiration and Renewal of Permits.
- 33.057 Revocation of Permit and Appeal Procedures.
- 33.058 Reinstatement of Revoked Permit.
- 33.059 Standards for Establishing Cattle or Goat Dairies.
- 33.0510 Pasteurization Requirements.
- 33.0511 Violations, Remedies, and Penalties.

33.051 Authority.

Pursuant to the authority cited in Chapter 1 this Environmental Code (E.H. Code), the State Food and Agricultural Code Section 32.501 et seq., Section 33.14t et seq. Section 33.171 et seq., Administrative Code Title 3, and other applicable State law, the Department of Food and Agriculture of the State of California has designated, and this jurisdiction hereby authorizes, that the Department of Environmental Health Services (DEHS) of the County of San Bernardino is the State Approved Milk Inspection Service (AMIS) to enforce all applicable State law and provisions of this E.H. Code pertaining to dairy farm sanitation, milk products plant sanitation, retail outlet sanitation, and dairy product standards within this jurisdiction. Enforcement officers shall be designated as set forth at Food and Agriculture Code Section 33. I 11 et seq. Except as provided herein, the provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter.

Renumbered and restated Ordinance #3105 (1986);

33.052 Standards and Requirements for Milk, Cream, and Milk Products.

It shall be unlawful for any person or entity to sell, offer for sale, distribute, or possess for sale or distribution, any milk, cream, or milk product for human consumption unless it conforms to the standards and requirements provided by Division 15, of Food and Agriculture Code and Administrative Code, Title 3.

Renumbered and restated Ordinance #3105 (1986);

33.053 Definitions.

In addition to those definitions provided in Chapters I and 3 of this E.H. Code, the following shall apply to this Chapter:

(a) "Approved Milk Inspection Service (AMIS)" is the inspection unit and laboratory under the direction of the Health Officer or the Director of DEHS established for the purpose of inspecting dairy farms, milk products plants, and retail outlets which are producing, processing, handling and/or distributing market milk and related products within this jurisdiction and so designated and assigned by the Director of the California Department of Food and Agriculture and in accordance with the Food and Agriculture

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Code and Administrative Code, Title 3.

(b) "Dairy Farm" is any place or premises upon which milk or milk products are produced for sale or distribution and where more than two (2) cows or six (6) goats are in lactation.

(c) "Distributor of Market Milk" is any person, broker, agent, association, or entity that purchases or handles fluid milk or fluid cream for processing, manufacture, or sale. Distributor of market milk does not include:

(1) Any producer that delivers fluid milk or fluid cream only to a distributor or distributor plant.

(2) Any retail store that is not actively and directly engaged in processing and packaging fluid milk or fluid cream.

(3) Any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not actively and directly engaged in processing and packaging fluid milk or fluid cream.

(d) "Milk Distributor" is any person, or entity that transports, within this jurisdiction, packaged milk, cream or milk products for resale either to retail outlets or milk peddlers. This applies to distributors regardless of location of milk storage facilities.

(e) "Milk Peddler" is any person, or entity, transporting milk, cream or milk products for sale along a route making periodic stops of short duration for the purpose of dispensing milk, or milk products to buyers.

(f) "Milk Store or Retail Dairy" is any establishment where the sales of milk, cream and milk products exceed fifty percent (50%) of the total sales.

(g) "Milk Products Plants" is any place, premises, or establishment where milk, cream or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution.

Renumbered and restated Ordinance #3105 (1986);

33.054 Application for Permits.

(a) Required. It shall be unlawful for any person or entity to engage in the business of producing, processing, selling or distributing market milk or cream or any milk product subject to AMIS jurisdiction within this jurisdiction without possessing an unexpired, unsuspended, unrevoked permit to do so, issued by the AMIS of San Bernardino County as provided for in Division 15 of the Food and Agriculture Code.

(b) Procedure. Applicants for a permit or a renewal of a permit under this Chapter shall file with the AMIS an application in writing on the form furnished by AMIS. Such facts or information as may be required by AMIS shall be provided.

(c) Nontransferable. Permits are not transferable, including as to ownership or location.

Renumbered and restated Ordinance #3105 (1986);

33.055 Fees.

(a) Permit Fees. Every person or entity engaged in the business of producing, processing, selling, or distributing market milk, market cream, or any milk product subject to AMIS jurisdiction, shall pay DEHS/AMIS annual permit fees as specified in the San Bernardino County Code Schedule of Fees.

(b) Inspection Fees. Dairy farm inspection fees, as set forth in the Schedule of Fees, shall be paid by each producer of market milk or market cream produced on dairy farms located within this jurisdiction or by any distributor of market milk or market

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cream, as defined herein, when designated by the producer or their agent; and the fee set forth for a milk products plant shall be paid by the distributor or operator that maintains a milk products plant. Said fees shall be paid, on a quarterly basis, to DEHS/AMIS.

(c) **Special Laboratory Examination Fees.** Fees for special laboratory examinations requested by the milk and dairy industry in excess of those required by the Food and Agriculture Code and the Administrative Code shall be charged directly to the milk producer and/or milk products plant operator as set forth in the Schedule of Fees.

(d) **Proration of Fees.** Any of the fees pertaining to this Chapter may be prorated on a quarterly basis for the remainder of the billing year, when applied to a newly established business or a change of ownership.

(e) **Late Renewal Special Processing Fee.** All renewal fees are due and shall be paid to DEHS/AMIS within thirty (30) days, after the expiration date of the current permit, or a twenty-five percent (25%) late renewal special processing fee shall be charged.

(f) **New Operation or Change of Ownership Special Processing Fee.** An application shall be properly filed with and approved by DEHS/AMIS and all fees paid for any activity subject to this Chapter prior to a new or converted facility being operated, or operation by a new owner; or a twenty-five percent (25%), special processing fee shall be charged.

(g) **Fee Adjustments.** This jurisdiction may, when revising fee schedules, adjust those fees pertaining to this Chapter to provide reimbursement for services not to exceed the actual cost of providing the AMIS.

Renumbered and restated Ordinance #3105 (1986);

33.056 Expiration and Renewal of Permits.

Permits shall be renewed annually provided that the permit holder has, during the period of the expiring permit, operated in conformity with this Chapter and other applicable rules and regulations of the AMIS.

33.057 Revocation of Permit and Appeal Procedures.

The Director of DEHS, or authorized deputy, upon notice and hearing, and upon the finding(s) that State law or a requirement of this Chapter has been violated, may revoke such permit. If it is determined by the Director or authorized deputy following an inspection or investigation that a violation of this Chapter exists, a written notice to correct such violation or violations within a specified time limit shall be issued to the owner or operator of the dairy operation or milk products plant. If upon reinspection after the time specified, the violation still exists, a second written notice shall be issued to the owner or operator.

If subsequent investigation again reveals the lack of compliance, the owner or operator shall be given a written notice to appear before a hearing officer of this jurisdiction to show cause why the DEHS permit to operate should not be revoked. After the AMIS representatives and the owner or operator have presented evidence of compliance, or noncompliance, the hearing officer after considering all facts, may, for sufficient cause, order the permit revoked.

Renumbered and restated Ordinance #3105 (1986);

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33.058 Reinstatement of Revoked Permit.

Revoked permits may be reinstated only upon the order of the Director of DEHS or authorized deputy.

Renumbered and restated Ordinance #3105 (1986);

33.059 Standards for Establishing Cattle or Goat Dairies.

Cattle or goat dairies established after November 1969 shall conform to the following requirements:

(a) Submission of Plans. Before the commencement of any construction, four (4) sets of detailed plans for the proposed dairy shall be submitted for review and prior written approval shall be obtained from AMIS.

(b) Required Corral Space per Animal. Corrals shall have a minimum area of five hundred (500) square feet per cow and one hundred sixty-six (166) square feet per goat.

(c) Maximum Number of Animals per Acre. The number of animals on each parcel of land shall not exceed twenty (20) cows or sixty (60) goats per gross acre. Soil, drainage, or other conditions peculiar to the site may cause a reduction in allowable density as determined by the AMIS.

(d) Minimum Acreage Required for Waste Disposal at Cattle Dairies. A minimum of five (5) gross acres shall be provided for waste disposal and open uses, such as field crops and pasture, for each two hundred (200) cows or a fractional number thereof. For each additional forty (40) cows, one (1) gross acre shall be provided for waste disposal.

Renumbered and restated Ordinance #3105 (1986);

33.0510 Pasteurization Requirements.

It shall be unlawful for any person, or entity to sell, offer for sale, distribute, or process for sale or distribution, any milk or cream unless such milk or cream has been pasteurized in accordance with the provisions set forth in Division 15 of the State Food and Agricultural Code, and those of the Administrative Code.

Nothing contained herein shall prevent the sale or delivery of raw milk or raw cream to pasteurization plants for pasteurization or the sale or delivery of milk meeting the standards of certified raw milk of the American Association of Medical Milk Commissioners.

Renumbered and restated Ordinance #3105 (1986);

33.0511 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Chapter. Except as provided herein, all enforcement procedures, remedies, or penalties provided in Chapters 1, 2 and 3 of this E.H. Code shall apply to this Chapter, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

DOMESTIC WATER SOURCES AND SYSTEMS

Chapter 6 DOMESTIC WATER SOURCES AND SYSTEMS

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Article 1 GENERAL PROVISIONS

33.061 Authority.

Within this jurisdiction, the San Bernardino County Department of Environmental Health Services (DEHS) shall enforce the provisions of this Chapter pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code) and elsewhere as provided by State law. Except as provided herein, all provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.062 Definitions.

Definitions herein shall supplement all definitions in State law pertaining to domestic water sources and systems, and in Chapters I and 3 of this E.H. Code.

(a) "Abandoned Well" and "Abandonment" shall apply to a well which has not been declared for reuse by the legal owner with DEHS. Test holes and exploratory holes shall be considered abandoned twenty-four (24) hours after construction and testing work have been completed. A well whose original or functional purpose and use has been discontinued for a period of one (1) year or which is in such a state of disrepair that it cannot be made functional for its original purpose or any other function regulated by this Chapter, shall be considered an abandoned well.

(b) "Agricultural Well" shall mean any water well used to supply water for irrigation or other agricultural purposes, including so-called "stock wells."

(c) "Annular Seal" or "Sanitary Seal" shall mean the material placed in the space between the well casing and the wall of the drilled hole (the annular space).

(d) "Cathodic Protection Well" shall mean any artificial excavation in excess of fifty (50) feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

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(e) "Community Water Supply Well" shall mean any well which provides water for public water supply systems.

(f) "Contamination" shall mean an impairment of water quality by wastes or other degrading elements to a degree that an actual or potential public health hazard may exist.

(g) "Cross-Connection" shall mean any unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substance that is not or cannot be approved as safe, pure, wholesome, and potable for human consumption.

(h) "Customer System" shall mean those parts of the facilities beyond the termination of the distribution system.

(i) "Distribution System" shall include the facilities, conduits or any other means used for the delivery of water from the source facilities to the customer's system.

(j) "Domestic Water Hauler" shall mean a person who transports water for domestic use in a common bulk container (tank) from source facilities to the customer's system, but shall not include those transporting "bottled water" from a State-licensed "water bottling plant."

(k) "Furnish" or "Supply" shall mean furnishing or supplying water to a public water supply system.

(l) "Individual Domestic Well" shall mean any well used to supply water for domestic needs of an individual residence.

(m) "Industrial Well" shall mean any well used primarily to supply water for industrial processes and may supply water intentionally or incidentally for domestic purposes.

(n) "Lateral (Horizontal) Well" shall mean a well drilled or constructed horizontally or at an angle with the horizon as contrasted with the common vertical well and does not include horizontal drains or so-called "wells" constructed to remove subsurface water from hillsides, cuts, or fills.

(o) "Observation Well" shall mean a well used for monitoring or supplying the conditions of a water-bearing aquifer, such as water pressure, depth, movement or quality.

(p) "Pollution" shall mean an alteration of water quality by waste to a degree which affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include "contamination."

(q) "Public Water Supply System" shall mean the source facilities and distribution system used to provide water to the public for human consumption and which has two (2) or more service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. It shall include:

(1) "Community Water System" shall mean a public water system which serves at least fifteen (15) service connections used by year-long residents or regularly serves at least twenty-five (25) year-long residents. Community water systems shall include those serving residential communities.

(2) "Noncommunity Water System" shall mean a public water system which meets one of the following criteria:

(A) Serves at least twenty-five (25) nonresident individuals daily at least sixty (60) days of the year, but not more than twenty-four (24) year-long residents.

(B) Serves fifteen (15) or more service connections and any number of nonresident individuals at least sixty (60) days per year.

(C) Serves five (5) to fourteen (14) service connections and twenty-five (25) or more individuals less than sixty (60) days per year.

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State small water systems shall include, but are not limited to, mountain area tracts without year-long residents.

(r) "Source Facilities" shall include wells, stream diversion works, infiltration galleries, springs, reservoirs, tanks and all other facilities used in the production, treatment, disinfection, storage or delivery of water to the distribution system.

(s) "Test" or "Exploratory Hole" shall mean an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation, or any other means.

(t) "User" shall mean any person or entity using water for domestic purposes, but shall not include furnishing or supplying water to the public.

(u) "Well" or "Water Well" shall mean any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the ground, but shall not include:

(1) Oil and gas wells, or geothermal wells constructed under jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or

(2) Wells used for the purpose of:

(A) Dewatering excavation during construction; or

(B) Stabilizing hillsides or earth embankments.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.063 Permits, Licensing, Registration, Privileges, and Entitlements.

No person or entity shall engage in any activity subject to the jurisdiction of this Chapter without first having an unrevoked, unsuspended, unexpired permit, license, registration, privilege, and entitlement for each such activity and without first paying all applicable fees to DEHS for each activity in the amounts set forth in the San Bernardino County Code Schedule of Fees.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.064 Enforcement Activities.

Except as provided herein, enforcement activities shall generally proceed as set forth in Chapters 1, 2, and 3 of this E.H. Code, and relevant State law pertaining to domestic water sources and systems.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

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33.065 Reports.

DEHS may require any public water supply system permit holder or applicant to file a comprehensive report on the condition and operation of the source facilities and distribution system. The report shall be in such form and detail as DEHS prescribes. It shall be prepared by a registered engineer, or other qualified professional registered with DEHS, and be made at the sole expense of the permit holder or applicant.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.066 Violations, Remedies, and Penalties.

(a) It shall be unlawful for any person or entity to violate any provision of this Chapter or to furnish or supply to a user, water used or intended to be used for human consumption or for domestic purposes which is impure, unwholesome, unpotable, polluted, or dangerous to health.

(b) Except as provided herein, all enforcement procedures, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter, in addition to all others provided by law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.067 Administrative Variance.

Subject to approval by the State Department of Health Services, Sanitary Engineering Branch, the Director of DEHS may grant an administrative variance to the provisions of this Chapter where evidence submitted documents that a modification of the standards, as provided herein, will not endanger the general public health and safety and strict compliance would be unreasonable in view of all the circumstances.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.068 Hearing Procedures.

Any person or entity whose permit application is rejected, or permit has been suspended, denied or revoked may request a hearing. Upon a proper showing DEHS shall act upon the request in the manner set forth for administrative hearings in Chapter 2 (Permits and Hearing Procedures) of this E.H. Code.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

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33.069 Reserved.

Article 2 PUBLIC WATER SUPPLY SYSTEMS

33.0610 Statement of Purpose.

The purpose of this Article is to assure that water furnished or supplied by public water supply systems within this jurisdiction shall at all times be pure, wholesome, potable, healthful and in adequate supply.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0611 Authority.

The San Bernardino County Department of Environmental Health Services (DEHS) shall monitor and enforce all applicable laws and orders for public water supply systems with less than two hundred (200) service connections within this jurisdiction pursuant to the authority cited in Chapter I of this E.H. Code, and elsewhere as provided by law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0612 Standards.

Minimum standards for the design, construction, operation, maintenance, repair and monitoring for public water systems requiring a permit by this Article shall also include those standards listed in California Health and Safety Code, Division 5, Part 1, Chapter 7, "Water and Water Systems" and in California Administrative Code, Title 22:

(a) "Domestic Water Quality and Monitoring," Chapter 15, Sections 64401-64475.

(b) "California Waterworks Standards," Chapter 16, Sections 64551-64644 and California Administrative Code, Title 17, Part 1, Chapter 5, Subchapter 1:

(1) "Cross-Connection Control," Sections 7583-7622.

(2) "Operator Certification," Sections 7100-7134 as the same may be amended by the State from time to time and incorporated herein by reference, and every other relevant standard pursuant to state law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0613 Permits.

No person or entity shall furnish or supply water to a user for domestic purposes from any source of water supply without first applying for, receiving, and retaining, an unexpired, unsuspended, unrevoked permit to do so from DEHS in accordance with Chapter 2 (Permits and Hearing Procedures) of this E.H. Code except as provided

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herein.

(a) Conditions of Approval. Permits shall be issued subject to compliance with the standards provided in this Article and plans shall be submitted to DEHS demonstrating such compliance. All owners or operators of any public water supply system subject to the provisions of this Article shall organize into a single legal entity responsible for such public water supply system. Permits may include any condition or requirement found by DEHS to be necessary to accomplish the purposes of this Article.

(b) Temporary Permit. DEHS may grant a temporary permit to any person or entity who has applied for a permit upon such terms as DEHS shall determine are in the public interest pending the completion of DEHS's investigation and application processing.

(c) Denial. If, upon the completion of the investigation and processing, DEHS determines that the water furnished, supplied, or proposed to be supplied is such that under any circumstances and conditions it is likely to be impure, unwholesome, unpotable or may constitute a menace or danger to public health, or if the existing or proposed source facility or distribution system is unhealthful, unsanitary, or not suited to the production and delivery of pure, wholesome, potable, and healthful water at all times, DEHS shall deny the application and order the applicant to make such changes as DEHS deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water.

(d) Revocation. Any permit issued may be revoked or suspended by DEHS at any time if it determines that the water being supplied or furnished by the permittee is or may become impure, unwholesome, unpotable, or endanger the lives or health of human beings. When a permit has been revoked or suspended by DEHS, the public water supply system shall not be exempt from service obligations and responsibilities unless so directed by DEHS.

(e) Exception. This Article shall not apply to a public water supply system with two (2) to four (4) service connections except in those specific areas in which DEHS has found its application to be necessary for the protection of public health and has given written notice thereof to those so regulated.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0614 Modifications.

(a) General Requirements. No person or entity shall modify, add to or change source facilities or distribution systems without written prior approval of DEHS.

(b) Conditions for Adding Service Connections. New service connections may be added to a public water supply system if the water system is, and will continue to be, in compliance with the provisions of this Article. When a water system is not in compliance with the provisions of this Article or of the requirements/conditions of the DEHS permit, a public nuisance shall be deemed to exist restricting the addition of service connections or water users until such compliance is obtained.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

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33.0615 Monitoring.

Any person or entity who furnishes or supplies water to a user for domestic purposes shall pay for and provide approved analyses of such water to DEHS per California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0616 Water Quality.

All water sources used for domestic water supply shall meet minimum standards of California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0617 Water Quantity, Source and Storage Requirements.

The quantity of water available from all water sources and distribution storage reservoirs shall at least equal those amounts shown in Tables I and II of the Article.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

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Table I
Gravity Storage System
Source and Storage Capacity

	Minimum Use		Median Use		High Use	
	Recreational Dwelling With No Irrigation		Typical or Average Residence and Lot		Residence With Large Lot	
No. of Service Connection	Source Capacity (gpm)	Storage Capacity (gals)	Source Capacity (gpm)	Storage Capacity (gals)	Source Capacity (gpm)	Storage Capacity (gals)
10	11	3,500	17	4,000	28	4,900
20	19	6,900	32	7,800	53	9,600
30	26	10,100	45	11,400	75	14,130
40	33	13,100	57	14,800	95	18,400
50	40	15,900	69	18,000	115	22,500
60	46	18,500	80	21,000	134	26,400
70	52	20,900	90	23,800	151	30,200
80	58	23,100	100	25,400	167	33,900
90	64	25,100	109	27,800	181	37,500
100	69	27,000	117	30,100	195	41,000
120	74	30,500	133	34,500	220	47,700
140	79	33,600	149	38,900	245	54,000
160	84	36,400	165	43,300	270	59,900
180	89	39,200	181	47,700	295	65,400
200	94	42,000	197	52,200	320	70,500

"Source and Storage Design Guide for Small Water Systems," State of California, State Department of Health, Water Sanitation Section, 1967.

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Table II
Pressure Tank System
Source Capacity

	Minimum Use Recreational Dwelling With No Irrigation	Median Use Typical or Average Residence and Lot	High Use Residence With Large Lot
No. of Service Connections	Source Capacity Gal. per Minute	Storage Capacity Gal per Minute	Source Capacity Gal. per Minute
10	40	50	69
20	77	97	133
30	110	140	193
40	142	180	248
50	174	219	302
60	200	255	354
70	226	288	403
80	251	312	449
90	273	341	494
100	294	367	537
120	328	420	618
140	363	473	695
160	387	526	770
180	416	579	840
200	444	630	908

"Source and Storage Design Guide for Small Water Systems, "State of California, State Department of Health, Water Sanitation Section, 1967.

33.0618 Required Separation Between Water Mains and Sanitary Sewers.

Underground street utility locations for water and sewer mains shall conform to the standards contained in the most recent edition of the State Road Department publication entitled "Standard Specifications, Drawings 310 and 311," and the State Department of Health Services bulletin entitled "Required Separation Between Water Mains and Sanitary Sewers."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

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33.0619 Backflow and Cross-Connection Control.

Every person or entity furnishing or supplying water to users shall, by approved methods, prevent water from unapproved sources or any other substance from entering the domestic water system, and shall conform to the standards of California Administrative Code, Title 17, "Cross-connection Control."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0620 Treatment.

Treatment facilities and operation shall be provided as determined by DEHS on a case-by-case basis. All surface waters shall be properly treated, including reliable disinfection.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0621 Correction of Sanitary Defects and Health Hazards.

DEHS may order such repairs, alterations or additions to the proposed or existing source facilities and distribution system as will ensure that the water furnished or supplied shall at all times be in continuous supply, pure, wholesome, potable, and without danger to the public health and safety,

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0622 Surface Water Sources.

Surface water sources (stream diversion works, impoundments, infiltration galleries, springs, etc.) shall not be utilized as sources of water supply for public water systems unless the permittee has demonstrated to DEHS that there are no reasonable means of obtaining an acceptable quality and quantity of groundwater, that required surface water rights documentation has been completed, that such surface sources and water treatment methods thereof have been approved for use by DEHS.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0623 Hauled Water.

Water furnished by a domestic water hauler shall not be used as a source of water by any public water supply system unless it has been demonstrated to DEHS that there are no reasonable means of obtaining an acceptable quality and quantity of groundwater, and that water treatment methods have been approved by DEHS.

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Exception: During an officially declared state or local emergency, a public water supply system may utilize hauled water as a temporary source of supply.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0624 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Those enforcement procedures, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article and be in addition to all others provided by law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.625-629 (Reserved)

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Article 3 WATER WELLS

33.0630 Statement of Purpose and Authority.

The purpose of this Article is to provide minimum standards for construction, reconstruction, abandonment and destruction of all wells relating to groundwater protection in order to: (a) protect underground water resources, and (b) provide safe water to persons within San Bernardino County. Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Article within this jurisdiction.

Adopted Ordinance #3105 (1986);

33.0631 Permits.

(a) No person or entity, as principal agent or employee, shall dig, drill, bore, drive, reconstruct or destroy: (1) a well that is or has been used to produce or inject water; (2) a cathodic protection well; (3) an observation well; or (4) an exploration well; without first filing a written application to do so with DEHS, receiving, and retaining a valid permit as provided herein.

(b) Application for Permit. Applications for permits shall be submitted to DEHS and shall include the following:

(1) A plot plan showing the location for the well with respect to the following items within a radius of five hundred (500) feet from the well:

(A) Property lines, location and ownership of all parcels and easements.

(B) Sewage or waste disposal systems or works for carrying or containing sewage or waste.

(C) All intermittent or perennial, natural or artificial bodies of water or watercourses.

(D) The approximate drainage pattern of the property.

(E) Other wells, including abandoned wells.

(F) Access road(s) to well site.

(2) Location of the subject property -- legal description, assessor's parcel number and street address.

(3) The contractor's name and state license classification/number constructing the well.

(4) The proposed or probable depth of the well.

(5) The proposed minimum depths and types of casing and probable minimum depth of perforations to be used if such data can be reasonably projected.

(6) The proposed use of the well.

(7) Where the proposed work is a reconstruction or destruction of a well, the following, if available: Total depth, depth and type of casing used, depth of perforations, well log, and any other pertinent information available.

(8) Description of proposed method of reconstruction or destruction of well.

(9) Location and classification of any past or present solid, liquid, or hazardous waste disposal sites within two (2) miles of the proposed well.

(10) Other information as may be reasonably necessary for DEHS to determine if the underground waters will be adequately protected.

(c) Conditions of Approval. Permits shall be issued after compliance with the

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standards provided in this Article. Plans shall be submitted to DEHS demonstrating compliance with such standards. Permits may include conditions and requirements found by DEHS to be reasonably necessary to accomplish the purposes of this Article. Completion bonds, contractor's bonds, cash deposits, or other adequate security may be required to ensure all projects are performed completely and properly to protect the public's health and safety and the integrity of underground water resources.

(d) Denial. Where DEHS determines that the standards of this Article have not been met, it shall deny the application.

Adopted Ordinance #3105 (1986);

33.0632 Licensing and Registration of Water Well Drillers and Contractors.

No person or entity shall engage in any activity listed in Section 33.0631 of this Article except as provided herein, and where required by State law with a valid license in accordance with the California State Contractor's License Law (Chapter 9, Division 3 of the Business and Professions Code), as appropriate to the activity to be engaged in. Such person or entity shall register with DEHS prior to commencing any activity regulated by this Article.

Adopted Ordinance #3105 (1986);

33.0633 Standards.

Standards for the construction, reconstruction, destruction or abandonment of wells shall be the standards recommended in the California Department of Water Resources Bulletin No. 74-81, Chapter II, as may be amended by the State from time to time and is hereby incorporated herein by reference. For cathodic protection wells, the standard shall be those recommended in Chapter 11 of the California Department of Water Resources Bulletin No. 74-1, as amended from time to time and is hereby incorporated herein by reference.

Adopted Ordinance #3105 (1986);

33.0634 Lateral (Horizontal) Well Standards.

The location, design, and monitoring of lateral wells shall be in accordance with the standards recommended in the State of California, State Department of Health, Water Sanitation Section publication "Requirements For Use of Lateral Wells in Domestic Water Systems," as may be amended and is hereby incorporated herein by reference.

Adopted Ordinance #3105 (1986);

33.0635 Approval of Sites.

Domestic water well sites shall be inspected and approved by DEHS before any construction activities thereat. Wells serving systems under the direct jurisdiction of the State Department of Health Services may receive site approval from that agency.

Adopted Ordinance #3105 (1986);

33.0636 General Location of Water Wells.

It shall be unlawful for any person or entity to drill, dig, excavate, or bore any water well at any location where sources of pollution or contamination are known to exist,

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existed, or otherwise substantial risk exists that water from that location may become contaminated or polluted even though the well may be properly constructed and maintained. Every well shall be located an adequate distance from all potential sources of contamination and pollution as follows:

Sewers	50 ft. minimum
Septic tank, sewage holding tank, subsurface sewage leach lines or leach fields	100 ft. minimum
Cesspool or seepage pit	150 ft. minimum
Animal or fowl confined	100 ft. minimum
Any subsurface sewage disposal system discharging 5,000 gal./day or more	200 ft. minimum

Minimum distances from other sources of pollution or contamination shall be determined by DEHS upon investigation and analyses of the probable risks involved.

Where particularly adverse or special hazards are involved, the foregoing distances shall be increased or special approved means of protection, particularly in the construction of the well, shall be provided as determined by DEHS.

Adopted Ordinance #3105 (1986);

33.0637 Well Logs.

Any person or entity who has drilled, dug, excavated or bored a well subject to this article shall furnish DEHS a complete log of such well within thirty (30) days after completion of the drilling, digging, excavation or boring of such well, or prior to final inspection of the completed well, whichever occurs first. This log shall include depths of formation, character, size distribution, color for all lithological units penetrated, as well as the type of casing, the depth of the well, the number and location of the perforations in the casing and any other data required by DEHS. Where insufficient subsurface information is available from other reliable sources as to certain formations, DEHS may require inspection of the well log during any phase of the well's construction and may require modifications of the remaining planned work to achieve the purposes of this article.

Adopted Ordinance #3105 (1986);

33.0638 Well Surface and Subsurface Construction Features.

(a) Water-Well Surface and Annular Sealing. All water wells hereafter drilled, dug, excavated or bored shall be provided with: a watertight reinforced concrete slab at least six (6) inches thick and with the top being a minimum of four (4) inches above the higher of the ground level or floor level at the well site. The slab shall extend horizontally at least three (3) feet from the center of the well casing in all directions and be adequately sloped to drain surface water away from the well casing. Annular seals for agricultural and individual domestic wells shall extend at least twenty (20) feet below the ground surface. For community water supply wells, annular seals shall extend at least fifty (50) feet below the ground surface.

(b) Sample Spigot. A sample spigot shall be provided on the pump discharge line of any water well used as a public water supply adjacent to the pump and on the distribution side of the check valve.

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(c) Check Valve. A check valve shall be provided on the pump discharge line adjacent to the pump for all water wells.

(d) Water Well Disinfection Pipe. All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other approved disinfecting agents may be introduced directly into the well. The pipe shall be extended at least four (4) inches above the finished grade and shall contain a threaded or equivalently secured cap upon it.

(e) Water Well Master Meter. A master meter or other suitable measuring device shall be located at each source facility and shall accurately register the quantity of water delivered to the distribution system from all community water supply wells serving a public water supply system.

(f) Air-Relief Vent. An air-relief vent, if used, shall terminate downward, be screened, and otherwise be protected from contaminating material entering.

Adopted Ordinance #3105 (1986);

33.0639 Disinfection of Water Wells.

Every new, repaired or reconstructed community water-supply well or individual domestic well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well gravel used in gravel-packed wells, pipes, pump, pump column, and all well water contact equipment surfaces shall be disinfected by a DEHS-approved method. Such solution shall remain in the well and upon all relevant surfaces for at least twenty-four (24) hours. Disinfection procedures shall be repeated until microbiologically safe water is produced, as set forth by California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #3105 (1986);

33.0640 Water Quality Standards.

Water from all new, repaired, and reconstructed community water supply wells shall be tested for, and meet standards for, microbiological, chemical, physical, and radiological quality in accordance with California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #3105 (1986);

33.0641 Required Inspections of Wells.

An inspection shall be requested of DEHS at least twenty-four (24) hours in advance of:

(a) The filling of the annular space or conductor casing. (Upon failure to notify DEHS, approved geophysical tests including Sonic Log and Gamma Ray Log tests shall be conducted at the owner's expense to substantiate that an annular seal has been properly installed.)

(b) After installation of the surface protective slab, pumping, and other required equipment.

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(c) Immediately before and during the destruction of a well; immediately after the well destruction.

(d) Any other operation or condition stipulated on the DEHS permit.

Adopted Ordinance #3105 (1986);

3.0642 Approval by DEHS.

No water from a new, repaired, or reconstructed well shall be used until the well is given a final approval by DEHS.

Adopted Ordinance #3105 (1986);

33.0643 Well Abandonment.

If after thirty (30) days of abandonment, the owner of an abandoned well has not declared to DEHS the well for proposed reuse per Section 33.0644, then the well shall be destroyed per Section 33.0631 of this Article. If any well is found by DEHS to be a hazard, whereby its continued existence is likely to cause damage to groundwater, or to the public health and safety, DEHS shall direct the owner to destroy the well within a stated period. At the time of removal of a pump, the casing shall be provided with an adequate cap at the surface and shall be maintained so that it will not be a hazard to health or safety until such time that the abandoned well is properly sealed from the bottom to the top.

Adopted Ordinance #3105 (1986);

33.0644 Declaration of Proposed Reuse.

Where a well is unused or its disuse is anticipated, the owner may apply to DEHS in writing stating an intention to use the well again for its original or other approved purpose. DEHS shall review such a declaration and may grant an exemption from certain of the provisions of Section 33.0643 of this Article provided no undue hazard to public health or safety is created by the continued existence of the well. Thereafter, an amended declaration shall be filed annually with DEHS. The original or subsequent exemption may be terminated for cause by DEHS at any time.

Adopted Ordinance #3105 (1986);

33.0645 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. All enforcement procedures, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Adopted Ordinance #3105 (1986);

33.646-649 (Reserved)

CERTIFICATION OF BACKFLOW PREVENTION DEVICE TESTERS

Article 4 CERTIFICATION OF BACKFLOW PREVENTION DEVICE TESTERS

Sections:

- 33.0650 Statement of Purpose.
- 33.0655 Authority.
- 33.06510 Certification Required.
- 33.06515 Term of Certification.
- 33.06520 Required Fees.
- 33.06525 Denial, Revocation and Suspension of Certification.
- 33.06530 Non-Transferability of Certifications.
- 33.06535 Administration, Enforcement, Remedies and Penalties.
- 33.06540-06550 Reserved.
- 33.06551 Purpose.
- 33.06552 Scope and Exclusions
- 33.06553 Definitions.
- 33.06554 Permits.
- 33.06555 Notice of Pending Decision.
- 33.06556 Appeals.
- 33.06557 Violations, Remedies and Penalties.

33.0650 Statement of Purpose.

The purpose of this Article is to assure that domestic water systems within this jurisdiction are protected against contamination or pollution as a result of inadequate protection due to the lack of or malfunctioning of backflow prevention assemblies.

Adopted Ordinance #3512 (1992);

33.0655 Authority.

This Article is adopted pursuant to the authority in Health and Safety Code Section 4049.52.

Adopted Ordinance #3512 (1992);

33.06510 Certification Required.

No person shall inspect, maintain, or test water back flow prevention assemblies without a current, valid Certificate of Competence issued in accordance with requirements established by the San Bernardino County Department of Environmental Health Services (DEHS).

Adopted Ordinance #3512 (1992);

33.06515 Term of Certification.

The certification required by §33.06510 of this Article shall be valid for a period of three (3) years From the date of qualification unless it has been revoked for cause in accordance with procedures established within this Article.

Adopted Ordinance #3512 (1992);

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33.06520 Required Fees.

Each person applying to qualify for certification or for renewal of his/her certification shall first pay all applicable fees to the San Bernardino County Department of Environmental Health Services (DEHS) for each activity in the amounts set forth in Chapter 2 of Division 6 of Title I of the San Bernardino County Code schedule of fees.

Adopted Ordinance #3512 (1992);

33.06525 Denial, Revocation and Suspension of Certification.

(a) The San Bernardino County Department of Environmental Health Services (DEHS) may deny, revoke, or suspend a certification for any one or more of the following causes pertaining to conduct of the applicant or certification holder:

(1) Where falsified information is submitted to DEHS in an application for certification, testing report(s), or correspondence; or

(2) Where federal, state, or local laws or regulations pertaining to the testing and/or certification of a backflow prevention assembly or assemblies have been violated.

(3) Where required fees have not been paid.

(b) Upon determining probable cause for the denial, revocation, or suspension of a certification, DEHS shall give written notice to the applicant or certificate holder at the address given on the application or certificate to show cause why the certification should not be denied, revoked, or suspended, and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code.

(c) A person whose certification has been denied or revoked pursuant to this Section shall not be considered by DEHS for a certification until at least after one (1) year from the date of such denial or revocation. After three (3) such denials or revocations, or combinations thereof, no new certification shall be granted to such applicant.

Adopted Ordinance #3512 (1992);

33.06530 Non-Transferability of Certifications.

Certifications issued pursuant to this Article are non-transferable as to any person or entity.

Adopted Ordinance #3512 (1992);

33.06535 Administration, Enforcement, Remedies and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this Article shall be as set forth in Chapters 1 and 2 of Division 3 of Title 3 of the San Bernardino County Code.

Adopted Ordinance #3512 (1992);

33.06540 - 33.06550 (Reserved).

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Article 5 Desert Groundwater Management

Sections:

- 33.06551 Purpose.
- 33.06552 Scope and Exclusions.
- 33.06553 Definitions.
- 33.06554 Permits.
- 33.06555 Notice of Pending Decision.
- 33.06556 Appeals.
- 33.06557 Violations, Remedies and Penalties.

33.06551 Purpose.

(a) The protection of groundwater resources within San Bernardino County is of utmost importance. The public health, safety and general welfare of the people of the State of California and of the County depend upon the continued availability of groundwater through ensuring that extraction of groundwater does not exceed the safe yield of affected groundwater aquifers, considering both the short and long-term impacts of groundwater extraction, including the recovery of groundwater aquifers through natural as well as artificial recharge. The protection of the groundwater resource within San Bernardino County also includes the consideration of the health of individual aquifers and the continued ability of those aquifers to store and maintain water.

(b) The protection of groundwater resources within the unincorporated and adjudicated desert region of San Bernardino County is of particular importance due to:

(1) the existence of vast aquifers that underlie those areas which have not been overdrafted;

(2) the relative lack of significant natural recharge in those areas when compared to the mountain areas and other less arid areas of the County; and

(3) the lack of regulatory or judicial oversight of the groundwater aquifers within the adjudicated desert region, which oversight would serve to ensure the groundwater safe yield and health of the aquifers.

(c) This Article protects the groundwater resources of San Bernardino County in order to ensure the health of that resource. This Article is intended to be consistent with the California Constitution, Article 10, section 2 (water rights), and Article 11, section 7 (police powers).

(d) This Article augments and supplements the Groundwater Management authority the County may otherwise have pursuant to the Groundwater Management Act, California Water Code section 10750, et seq.

33.06552 Scope and Exclusions.

(a) This Article shall only apply to those groundwater aquifers that have not been adjudicated by judicial decree, which are located outside of the jurisdictional boundaries of the Mojave Water Agency and Public Water Districts within the Morongo Basin and which are situated in the unincorporated desert region of the County, generally described as that area of the County lying west of the Colorado River and the California-Nevada state line, north of the San Bernardino-Riverside county line, south of the San Bernardino-Inyo county line and east of Fort Irwin Military Reservation, the Mojave Water Agency, the Marine Air Ground Task Force Command Center, Twentynine Palms Water District and the City of Twentynine Palms. The area subject

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to this Article is more specifically identified on the attached Desert Groundwater Ordinance Map.

(b) This Article shall not apply to any well operated by any district or person where the district or person has performed both of the following:

(1) adopted a groundwater management plan pursuant to Water Code section 10750, et seq. ("AB 3030 Plan") which adheres to "groundwater safe yield" and "aquifer health" limitations, as those terms are defined in section 33.06553 of this Code or has otherwise developed and instituted a County-approved groundwater management, monitoring and mitigation plan associated with its extraction of water that is consistent with guidelines developed by the County; and

(2) executed a Memorandum of Understanding ("MOU") or other binding agreement with the County which:

(A) requires the parties to share groundwater monitoring information and data and to coordinate their efforts to monitor groundwater resources in the County; and

(B) ensures that the measures identified in the AB 3030 Plan or County-approved groundwater management, monitoring and mitigation plan are fully implemented and enforced. Such MOU or agreement must remain enforceable in order to provide for an exclusion from this Article.

(c) This Article shall not apply to the following:

(1) groundwater wells subject to the Lower Colorado Water Supply Project;

(2) groundwater wells within the jurisdictional boundary of the Mojave Water Agency, including public water agencies within the Morongo Basin;

(3) groundwater well operations approved before the effective date of this Article as part of a currently valid and complied with Conditional Use Permit or well construction permit. Owner must provide evidence or certification the well was drilled prior to permit requirements or was permitted prior to the effective date of this ordinance;

(4) groundwater wells used in conjunction with mining operations for which a currently valid and complied with mining reclamation plan has been established;

(5) groundwater wells associated with an agricultural operation, where the cumulative extraction from all of the agricultural wells from such an operation is less than 1,100 acre-feet per year and where the water is used on site and allowed to percolate into the ground, resulting in some return flow to the underlying aquifer.

(6) groundwater wells which replace abandoned wells if (i) proof of abandonment for the existing well is shown, (ii) the replacement well casing is not larger in diameter than the abandoned well, and/or (iii) the pumping capacity of the replacement well is no more than the pumping capacity of the abandoned well.

(7) non-agricultural wells with casings smaller than ten inches in diameter or those to be pumped for less than thirty (30) acre feet per year. Notwithstanding the foregoing exemption, this Article shall apply to a non-agricultural well that is proposed on a parcel on which other wells are located and where the total production of all wells on-site is greater than fifty (50) acre feet per year. The term, "parcel" shall include all parcels within any one groundwater aquifer in which the same person or persons have a common ownership interest.

(8) groundwater wells located on Federal lands unless otherwise specified by inter-agency agreement. Notwithstanding the foregoing exclusion, this Article shall apply to groundwater wells located on privately held lands, which are within

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the boundaries of a National Park, Preserve or Monument or any other Federal designation.

33.06553 Definitions.

The following terms related to groundwater management are defined as follows:

(a) “AB 3030 District”: A district which also has adopted a plan pursuant to the Groundwater Management Act.

(b) “Aquifer”: A geologic formation that stores, transmits and yields significant quantities of water to wells and springs.

(c) “Aquifer Health”: The geologic integrity of the affected aquifer, its storage capacity and the quality of water within the aquifer, including the quality of water for a drinking water supply.

(d) “Code”: The San Bernardino County Code.

(e) “District”: Excluding a city wholly or in part located within the boundaries of the County, any district or political subdivision whose primary function is the irrigation, reclamation or drainage of land or is the diversion, storage, management or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control or power production purposes.

(f) “Enforcement Agency”: The Enforcement Agency for San Bernardino County may be the Board of Supervisors or the Director of the Department of Public Health, Environmental Health Services Division.

(g) “Groundwater”: All water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

(h) “Groundwater Management Act”: California Water Code section 10750, et seq.

(i) “Groundwater Safe Yield”: The maximum quantity of water that can be annually withdrawn from a groundwater aquifer (i) without resulting in overdraft (ii) without adversely affecting aquifer health and (iii) without adversely affecting the health of associated lakes, streams, springs and seeps or their biological resources. The safe yield of an aquifer can be increased by management actions such as artificial recharge, including infiltration and other similar actions.

(j) “Overdraft”: The condition of a groundwater supply in which the average annual amount of water withdrawn by pumping exceeds the average annual amount of water replenishing the aquifer in any ten (10) year period, considering all sources of recharge and withdrawal.

(k) “Person”: Any state or local government agency, private corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, any federal agency.

(l) “Recharge”: Flow to groundwater storage from precipitation, irrigation, infiltration from streams, spreading basins and other sources of water.

33.06554 Permits.

(a) Requirement for Permit. Except as otherwise excluded from the application of this Article and in addition to any applicable permitting requirements for well construction, reconstruction, abandonment and destruction pursuant to the provisions of the San Bernardino County Code, no person, district or other entity acting as principal, agent or employee, shall locate, construct, operate or maintain any new groundwater well within the desert region of San Bernardino County, as identified in section 33.06552(a), without first filing a written application to do so with the

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enforcement agency and receiving and retaining a valid permit as provided herein. This permit is a discretionary permit under the California Environmental Quality Act (CEQA, Public Resources Code section 21000, et seq.)

(b) Application for Permit. Applications for permits under this Article shall be submitted to the enforcement agency in a format prescribed by the enforcement agency, and shall be of sufficient detail to allow the determinations set forth in subsections (c) and (d) of this section to be made. Applications shall include the following information:

- (1) A plot plan depicting the location of the proposed well(s) on a section map depicting the location of the following items within 1/2 mile of the well(s):
 - (A) property lines, location and ownership of all parcels and easements;
 - (B) all intermittent, perennial, natural or artificial bodies of water or watercourses;
 - (C) notable nearby geographic features (faults, etc.);
 - (D) all other wells; and
 - (E) landfills, septic systems or other liquid or solid waste facilities.
- (2) Proposed well diameter, depth and completion interval (screen or perforation locations) for proposed well(s).
- (3) Well design capacities for proposed well(s).
- (4) Anticipated groundwater safe yield of the affected groundwater aquifer.
- (5) Anticipated static and pumping levels.
- (6) Anticipated water quality.
- (7) The intended use of groundwater from the proposed well(s).
- (8) The proposed months of operation of the proposed well(s) (year-round, irrigation months, etc.).
- (9) The proposed pumping cycles (one eight-hour/day cycle, two six-hour/day cycles, etc.).
- (10) Estimated annual pumpage from the proposed well(s) in acre-feet.
- (11) System description (irrigation, domestic, etc.).
- (12) Anticipated return flows (deep percolation, runoff, etc.).
- (13) The estimated rate of natural recharge to the affected groundwater aquifer(s) calculated in accordance with generally accepted scientific methodologies and as deemed appropriate by the enforcement agency.
- (14) A description of the affected groundwater aquifer(s) including estimated storage capacity and the overall quality of water within the aquifer.
- (15) Other information as may be reasonably necessary for the County to determine the potential effects of the proposed well operations on the groundwater safe yield and aquifer health of the affected aquifer.
- (16) Supporting documentation, where available, for all of the foregoing items.

(c) Permit Review.

- (1) Procedure: Administrative Review or Public Hearing.
- (2) Reviewing Authority: The Director of the Department of Public Health, Environmental Health Services Division, shall be the reviewing authority for Permit applications except in the following circumstances:

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(A) Where the Director of the Department of Public Health, Environmental Health Services Division refers the proposal to the Board of Supervisors for Public Hearing.

(B) Where the proposal is filed concurrently with an application subject to Public Hearing review procedures.

(3) Where the Director of the Department of Public Health, Environmental Health Services Division is the reviewing authority, the procedure shall be considered to be Administrative Review and notice shall be provided pursuant to Section 33.06555 herein.

(d) Conditions of Approval. Plans shall be submitted to the enforcement agency demonstrating compliance with the standards of this Article. No permit shall be issued unless the enforcement agency determines, based upon the available data, that the well(s) constructed and operated as proposed, would not result in exceeding the groundwater safe yield of the relevant aquifers. Permits may include conditions and requirements found by the enforcement agency to be reasonably necessary to accomplish the purposes of this Article, including, but not limited to, conditions requiring groundwater management, mitigation and monitoring by the applicant.

(e) Environmental Review. Prior to taking an action to approve an application for a permit, the enforcement agency shall make the environmental findings required under the California Environmental Quality Act.

(f) Denial. The enforcement agency shall deny the application where it determines that the standards of this Article have not been met; where the well operations proposed in the application would result in exceeding the groundwater safe yield of the relevant aquifers considered individually or in conjunction with other existing wells.

(g) Permit Fees. The hourly rates for administering the provisions of this Article are established under the provisions of the San Bernardino County Code Schedule of Fees.

(h) Permit Suspension/Revocation or Modification. Permits may be issued only for so long as the well operations do not exceed the groundwater safe yield of the relevant aquifers. Permits will be suspended, revoked or modified if the enforcement agency determines that continued operations under the permit would result in overdraft of the relevant aquifers.

(i) Administrative Variances and Special Circumstances. The County may grant an administrative variance from any provision of this Article due to special circumstances or hardship. The County may describe alternative requirements where submitted documents as may be reasonably required by the County provide substantial evidence that a modification of the requirements in this Article will not endanger the general public health and safety and strict compliance would be unreasonable in view of all of the circumstances.

(j) Inspection and Monitoring. The enforcement agency may, with consent or a warrant if required, at any and all reasonable times enter any and all places, property, enclosures and structures for the purposes of making examinations and investigations to determine whether any provision of this Article is being or has been violated.

33.06555 Notice of Pending Decision

(a) Upon receipt of a request for a decision, the reviewing authority shall cause notice to be given specifying the time and place at least ten (10) calendar days prior to the date of the scheduled decision by the following applicable methods:

(1) Notice shall be published once in a newspaper of general

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circulation in the respective community of the proposal for decisions using the Public Hearing procedure.

(2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.

(3) Notice shall be given by first class mail or delivery to all property owners within one (1) mile of the external boundaries of the parcel of the proposed extraction for decisions using the Public Hearing or the Administrative Review procedures.

(4) Notice may be given in such other manner as is deemed necessary or desirable.

(b) Said notice shall include sufficient information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision making process.

(c) Ownership and addresses of properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.

(d) If during a public hearing, items are continued by the reviewing authority to a specific date, the items shall not be re-noticed unless specifically requested by the reviewing authority.

33.06556 Appeals.

(a) Prior to its effective date, a decision made in accordance with the provisions of this code by a reviewing authority other than the County Board of Supervisors may be appealed by the applicant or other affected party, as follows:

(1) Applications for an appeal to the Board of Supervisors shall be made on forms supplied by the enforcement agency. Applications for appeals shall be accompanied by a written statement of the grounds upon which the appeal is based. The appeal application shall identify:

(A) the subject permit application;

(B) the specific decision, condition of approval or other matter being appealed;

(C) the date of such action;

(D) the justification for the appeal; and

(E) any remedy or solution for which the appellant petitions.

(2) A uniform fee established by the Board of Supervisors shall be paid to the County upon the filing of each appeal.

(3) A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.

(4) An application for an appeal must be submitted to the Clerk of the Board of Supervisors within fifteen (15) days after a notice of decision is mailed by the enforcing agency to the applicant.

(5) Within thirty (30) days of the acceptance of an application for an appeal, the Clerk of the Board of Supervisors shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant and to any other party who has requested in writing to be so notified.

(6) Upon hearing the appeal, the Board of Supervisors shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify in whole or in part the decision appealed. The Board of Supervisors is subject to all of the criteria, findings and requirements imposed by this Code upon the original decision maker.

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33.06557 Violations, Remedies and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. All enforcement procedures, remedies and penalties of Chapter 1 of Division 3 of Title 3 of this Code shall apply to this Article and are in addition to all others provided by law.

Adopted Ordinance 3872 (2002)

HAZARDOUS MATERIALS AND TOXICS CONTROL

Chapter 7 Hazardous Materials and Toxics Control Repealed by Ordinance 3846

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WASTE MANAGEMENT

Chapter 8

WASTE MANAGEMENT

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33.0801 Statement of Purpose and Authority.

The purpose of this Article is to establish minimum standards for the storage of nonhazardous wastes within the unincorporated area of the County of San Bernardino.

Pursuant to the authority cited in Chapter 1 of Division 3, Title 3, of the San Bernardino County Code, Public Resources Code (PRC) Division 30, Part 1, Chapter 1, Section 40059, California Code of Regulations Title 14, Section 17200; and other applicable State law, the Department of Public Health, Division of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this article within the unincorporated area of the County of San Bernardino.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0802 Definitions.

Definitions herein shall supplement all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code:

(a) "Barrel; means a container which may or may not be provided by a Refuse Collection Operator for residential refuse collection.

(b) ""Commercial Bins" means a type of container provided by the Refuse Collection Operator to commercial, industrial and multi-family dwelling customers for Refuse storage and collection purposes and which is emptied by the Refuse Collection Operator by means of a front-loading mechanism into the refuse vehicle.

(c) "Residential Bins" means a container provided by the Refuse Collection Operator to a single-family dwelling customer for Refuse storage and collection purposes and which is emptied by the Refuse Collection Operator by means of a front-loading mechanism into the refuse vehicle.

(d) "Roll-Off Boxes" or "Drop Off Boxes" shall mean a large, open-topped, detachable container, twenty (20) cubic yards or more in capacity, employed in a system of materials handling in which the loaded container is pulled onto the collection vehicle mechanically and transported to an approved site for emptying.

(e) "Bulky Wastes" include large items of Solid Waste such as appliances, furniture, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

(f) "Collection Vehicle or Equipment" includes any vehicle or equipment used in the collection of residential, industrial or commercial waste.

(g) "Construction and Demolition Wastes" include the nonhazardous waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

(h) "Domestic Waste" includes all refuse which does not fall under the definition of "nondomestic waste".

(i) "Garbage" includes all kitchen and table food waste, animal waste, vegetable waste and all household waste or residue resulting from the storage, preparation, cooking, handling, or treatment of food and shall also include putrescible wastes.

(j) "Garbage Hauler" shall mean any person or entity who collects garbage, unmixed with rubbish, and transports it to a commercial garbage-feeding hog ranch or to a commercial establishment for processing for use in livestock feeding.

(k) "Health and Safety Permit" shall mean that permit which is issued by the

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Division of Environmental Health Services to all Refuse Collection Operators, Garbage Haulers and/or nondomestic Waste Haulers that operate within the incorporated and/or unincorporated areas of San Bernardino County.

(l) "Nondomestic Wastes" shall include wastes which may be solid, semisolid, slurries, dust, nonpetroleum oils, and related substances or combinations thereof, which constitute a potentially dangerous health or environmental risk to residents of the County of San Bernardino. Nondomestic wastes may be determined as such by DEHS upon finding that special transportation requirements are necessary due to the nature of the material, the intended disposal method, or the intended end use. Said term shall not include any wastes classed as infectious, toxic or hazardous by State or Federal Statute.

(m) "Nondomestic Waste Hauler" shall mean a person or entity involved in removing Nondomestic Wastes, either from their own property or from another's property.

(n) "Permittee" means any person who has been issued a Health and Safety Permit to collect, transfer, or remove solid wastes under the provisions of this ordinance. A permittee may include refuse collection operators, garbage haulers and/or nondomestic waste haulers.

(o) "Prohibited Wastes" include dead animals exceeding fifteen (15) pounds in weight, battery acid, poisonous, caustic or toxic material, or other substances capable of damaging clothing or causing injury to the person and dangerous or destructive chemicals.

(p) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions.

(q) "Refuse" means all solid waste as defined in Public Resources Code section 40191.

(r) "Refuse Collection Operator" shall mean any person or entity engaged in the collection, transportation and removal of refuse, except that it shall not mean a garbage hauler.

(s) "Rubbish" includes, but is not restricted to, all nonputrescible solid waste or debris such as paper, ashes, cardboard, wood, clothing, yard clippings, metal, plastic, construction waste and debris litter and other similar materials.

(t) "Solid Waste" shall be as defined in Public Resources Code section 40191 as presently enacted or as it may be later amended.

(u) "Solid Waste Facility" shall be as defined in Public Resources Code section 40194 as presently enacted or as later amended.

(v) "Solid Waste Handling" shall be as defined by Public Resources Code section 40195 as presently enacted or as later amended.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

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33.0803 Storage of Refuse.

All Refuse generated on a property or premises shall be stored in appropriate containers and in a manner which does not promote the propagation, harborage, or attraction of vectors, or the creation of nuisances. Each owner, operator or occupant shall provide sufficient numbers of suitable Refuse containers to contain, without overflowing, all Refuse generated between Refuse removal dates.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0804 Refuse Removal,

Refuse removal shall be in accordance with the following, unless modified in Section 33.0805, below:

(a) All owners, operators, or occupants of any residence, premises, business establishment or industry shall be responsible for the satisfactory removal of all Refuse accumulated on their property or premises. No Refuse shall be allowed to remain on the premises for longer than the periods specified in Section 33.0805 below, except when:

- (1) disruptions due to strikes occur, or
- (2) severe weather conditions or natural disasters such as earthquakes or fires make collection impossible using normal collection equipment, or
- (3) official holidays interrupt the normal seven day collection cycle in which case collection may be postponed until the next working day.

(b) The Refuse Collection Operator is responsible for picking up any spillage that may be caused during collection. This shall not include spillage caused by animals, vandals, wind or other such causes.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0805 Refuse Collection Frequency.

(a) All waste which contains Garbage produced or accumulated in or about a residence shall be removed from the premises at least once each seven (7) day period to an approved Solid Waste Facility.

(b) All waste which contains Garbage produced or accumulated in or about hotels, food establishments, or other businesses shall be removed from the premises at least twice each seven (7) day period to an approved Solid Waste Facility.

(c) All Rubbish, which does not contain Garbage, produced or accumulated in or about any premises shall be removed from the premises at least once every fourteen (14) days.

(d) DEHS may require an increase in collection frequency upon finding that an unhealthful, unsightly, or public nuisance condition is created by adhering to the minimum collection frequency.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0806 Residential Refuse Containers and Collection Standards.

Containers used for storage of Refuse until collection and/or transportation to an approved Solid Waste Facility shall comply with the following:

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(a) Refuse containers shall be made of a durable, nonabsorbent material and shall be watertight with a tight-fitting lid or cover, except as provided for in this Article.

(b) The user of any Refuse container shall ensure that lids are kept tightly attached so as to completely close off the container and to keep such containers in a clean condition without excessive build-up of clinging, sticky, or encrusted wastes in or on the container.

(c) All Refuse containers which must be manually emptied by a Permittee shall have a gross filled weight not to exceed fifty-five (55)pounds and a maximum capacity not to exceed thirty-two (32)gallons.

(d) A container for Refuse that does not meet the standards of Subsections (a)-(c) above, is substandard and shall not be used for residential refuse collection. Substandard containers shall be adequately repaired before being put back into service or shall be replaced.

(e) Tree trimmings shall be tied in bundles of not more than four (4) feet in length and shall not exceed fifty (50) pounds in weight; cardboard boxes shall be flattened and tied in bundles not exceeding four (4) feet in length nor fifty (50) pounds in weight.

(f) Plastic bags used for Refuse collection shall be of sufficient strength and water tightness to contain the Refuse.

(g) Refuse containers of 1 cubic yard or more owned by the refuse collection operator shall be identified with the name and telephone number of the company servicing the container.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0807 Commercial Refuse Containers.

Refuse containers provided to commercial customers by a Permittee for storage and collection purposes shall comply with the requirements for Residential Refuse Containers in Section 33.0806 above, as well as the following applicable standards:

(a) Roll-Off Boxes shall be identified with the name of the Permittee, and uniquely identified with a box number to aid in locating boxes which require maintenance. It shall be the responsibility of the Permittee to keep all boxes painted and maintained.

(b) Roll-Off Boxes are exempted from the provision for a tight-fitting lid or cover, provided any Putrescible Wastes is fully contained in closed plastic bags or equivalent and such Roll-Off Boxes are covered or otherwise secured to prevent the blowing out, or other loss, of the contents whether such boxes are moving or stationary.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0808 Placement of Refuse Containers.

Placement of Refuse containers shall be in accordance with the following:

(a) Refuse containers for residential pick-up service shall be placed in a convenient and accessible location adjacent to a street or public thoroughfare for not more than twelve (12) hours prior to scheduled pick-up and shall be removed within twenty-four (24) hours after pick-up. Other locations shall be subject to approval by the Permittee and DEHS.

(b) At all other times Refuse containers shall be stored away from the street and in such a manner as to minimize creating an environmental or public health nuisance.

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(c) At no time shall a Refuse container be placed in such a manner as to create a traffic problem or hazard to the public health, safety, or welfare.

(d) All Residential Bins shall be located upon the customer's property in a manner that minimizes traffic, safety, aesthetic, and other problems. If a suitable location can not be arranged, DEHS may determine that the Permittee cannot provide bin service at the residence and shall instead provide Barrel service.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0809 Bulky and Prohibited Wastes.

(a) Bulky wastes shall not be set out for collection without having made prior arrangements with the Refuse Collection Operator for pickup of the waste.

(b) No prohibited wastes shall be mixed or placed with any Rubbish or Garbage which is to be collected, removed or disposed of by the Refuse Collection Operator.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0810 (Reserved)

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0811 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement procedures, remedies and penalties as to this Article shall proceed as is set forth in Chapters 1, 2, and 3 of Division 3, Title 3 of the San Bernardino County Code and otherwise as provided by law.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

33.0812-0819 (Reserved)

Ordinance #3671 (1996)

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Article 2 REFUSE COLLECTION

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- 33.0820 (Reserved)**
- 33.0821 Statement of Purpose and Authority**
- 33.0822 Definitions.**
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- 33.0825 Application for a Permit or Renewal of a Permit.**
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33.0820 (Reserved)

33.0821 Statement of Purpose and Authority.

The purpose of this Article is to protect the health and safety of the community through the establishment of minimum health and safety standards for the collection and transportation of Solid Waste within the County of San Bernardino.

Pursuant to the authority cited in Chapter 1 of Title 3, Division 3 of the San Bernardino County Code, Public Resources Code, Division 30, Part 4, Chapter 2, Sections 43200 and 43209, and other applicable State law, the Board of Supervisors authorizes the Department of Public Health, Division of Environmental Health Services (DEHS) as the Local Enforcement Agency (LEA) of the County of San Bernardino to enforce and administer the provisions of this Article within the County of San Bernardino.

Amended Ordinance #3671 (1996);

33.0822 Definitions.

Definitions provided in Article 1 of this Chapter as well as all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code shall apply to this Article.

Amended Ordinance #3551 (1993); Amended Ordinance #3671 (1996);

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33.0823 Health and Safety Permits.

(a) Except for those persons exempt from the permit requirement pursuant to Section 33.0824 of this Article, it shall be unlawful for a person or entity to operate a Refuse collection or transportation activity, Garbage hauling activity or Nondomestic Waste hauling activity within the incorporated or unincorporated areas of the County without possessing the current Health and Safety Permit to do so issued by the Department of Public Health, Division of Environmental Health Services (DEHS) and having paid fees to DEHS, as set forth in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code. Possession of such a permit does not excuse or substitute for compliance with other laws or regulations applying to Solid Waste Handling operations, including, without limitation, Division 6 of Title 4 of the San Bernardino County Code.

(b) Any refuse hauler who, at the effective date of this subsection, has an existing A, B, or D permit shall also be considered to have a Health and Safety Permit effective until December 31, 1996.

Amended Ordinance 3651 (1996); Amended Ordinance #3671 (1996);

33.0824 Exceptions.

Excepted from the requirements of Section 33.0823 are:

(a) Those hauling Domestic Waste generated upon their own property, residence or business.

(b) Those hauling segregated Rubbish composed of ashes, abandoned vehicles and parts thereof, discarded home and industrial appliances, Construction and Demolition Wastes, or recyclable materials, including green waste.

(c) Clean up crews, landscapers and yard maintenance services who physically gather, collect and remove rubbish only. This does not include merely providing a Refuse container without providing the additional service of gathering materials and placing them in the container.

(d) DEHS may elect to except haulers of other segregated rubbish on a case-by-case basis upon submittal of the permit application required in Section 33.0825

Amended Ordinance #3671 (1996);

33.0825 Application for a Permit or Renewal of a Permit.

Applications for a Health and Safety Permit to collect, transfer, or remove Refuse, Garbage or Nondomestic Wastes shall be made to DEHS upon forms provided by DEHS, shall be accompanied by an application fee, and shall contain the following information:

(a) The name, business address, permanent home address, business and 24-hour emergency phone number(s) of the applicant.

(b) The owner(s) of the Garbage hauling, Nondomestic Waste hauling or Refuse collection and transportation operation. If a joint venture, partnership, or limited partnership, the name of all participants and/or partners. If a corporation or limited liability company, the name of each officer and manager, the nature of their office or participation, and the name and address of the agent for the service of process.

(c) The location of all proposed facilities that will be used.

(d) Trade and firm names under which the applicant operates.

(e) Proof that the applicant owns or controls adequate Collection Vehicles and

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other necessary equipment in good mechanical condition to adequately conduct the proposed refuse collection and transportation business. The applicant shall provide a list of the number and types of vehicles to be used in the collection and/or transportation of refuse.

(f) Proof that the applicant owns or has access to suitable facilities for maintaining the Collection Vehicles and other necessary equipment in a clean and sanitary condition. Applicant shall also provide adequate off-road parking for the Refuse vehicles.

(g) Proof that the applicant's Refuse, Garbage or Nondomestic Waste Collection Vehicles and Equipment conform to all applicable provisions of this Article.

(h) A list of the types of materials the applicant proposes to collect/transport.

(i) Proof that the applicant possesses the necessary insurance policies which, at minimum, comply with the requirements of this Article.

(j) Indemnification. Separate and distinct from the insurance provisions required by this Division, each Permittee shall appear and defend (with counsel approved by County) all actions against the Department and the County, and the Permittee agrees to defend, indemnify, and hold the County and/or its officers, agents, volunteers and employees harmless from and against, any and all claims and demands, causes of action of every kind and description, damages, liabilities, costs or expenses for any damages or injuries to any person or property, including, but not limited to, injury to Permittee's officers, agents, or employees which arise directly or indirectly from or are connected with or are caused or claimed to be caused by acts, errors or omissions of Permittee, or its officers, agents, or employees, in exercising its rights or in performing its duties under its permit or under this Division, and all costs and expenses of investigating and defending against same; except to the extent such indemnification is prohibited by law.

(k) Insurance. The Permittee shall obtain and keep in force during the term of said permit, comprehensive general and vehicular liability insurance of at least one million dollars (\$1,000,000.00) combined single limits for bodily injury and property damage, and a program of Workers' Compensation Insurance or a state-approved Self-Insured Workers' Compensation Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California including employer's liability with two hundred fifty thousand dollar (\$250,000.00) limits covering all employees of the Permittee. The County of San Bernardino shall be named as an additional insured on all policies except Workers' Compensation and all policies shall contain a provision requiring written notice to be given to DEHS prior to cancellation, modification, or reduction of limits. A Permittee shall furnish DEHS, prior to expiration or termination of the period covered by premium payment when renewal is automatic, evidence of renewal and of full payment of the premium on required insurance coverage. Nonreceipt by DEHS of this information shall result in the insurance policy being considered to be expired and justification for the suspension, revocation or cancellation of the permit in the manner set forth in this Article and Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code.

INSURANCE REVIEW. The above insurance requirements are subject to periodic review by the County. The Risk Manager of the County of San Bernardino is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, the Risk Manager is authorized, but not required, to change the

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above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

(l) Permittee shall not be required to maintain separate policies of insurance for any type of insurance required under this Section, any other section of this Chapter or under Division 6 of Title 4 of this Code. However, the Permittee must maintain the level of insurance which is the higher of that required in this Chapter or Division 6 of Title 4 of this Code and must obtain and maintain insurance coverage which satisfies all of the provisions of this Chapter and Division 6 of Title 4 of this Code, including without limit, providing certificates of insurance to all specified Departments of the County and requiring notification of the cancellation or termination of any insurance policy be given by the insurance company to all specified Departments of the County.

(m) The application called for in this section may be combined with the application called for in Section 33.0845 dealing with Class A Permits, if the applicant is required to obtain or renew a Class A Permit at the same time as it is required to submit an application under this section ("Joint Application"). Such Joint Application must satisfy all of the requirements of both this section and Section 33.0845. In the event the applicant chooses to submit a Joint Application, applicant shall give DEHS one duplicate original of the Joint Application. DEHS shall take all actions with respect to the issuance or renewal of the Health and Safety Permit sought in the Joint Application, to the same effect as if the applicant had submitted an application solely under this Section 33.0825.

Amended Ordinance #3671 (1996);

33.0826 Issuance, Suspension, and Revocation of Permits; Change of Ownership

(a) Issuance. Where DEHS finds that the statements in the application are true and that the applicant is reasonably capable of complying with the provisions of this Article, DEHS shall issue a Health and Safety Permit for Refuse collection, including the removal of Garbage and Nondomestic Wastes; for Garbage Hauling only; or for Nondomestic Wastes only.

(b) Suspension and Revocation. Where DEHS determines that any Permittee has not complied with the provisions of this Article and all other applicable statutes, ordinances, rules and regulations, the permit may be suspended or revoked in accordance with Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code

(c) Statement of Ownership. The Permittee shall file a true and correct statement of ownership with DEHS at the time of permit renewal each year under penalty of perjury. A notice of change in ownership in the operating company or of the business operating under the permit shall be submitted in writing to DEHS before a permit will be issued to the new owners.

(d) Transfer of Permit. A Permittee shall not lease, sublet, subcontract, or in any manner allow any other person or entity to engage in Refuse collection and transportation services, Garbage hauling or Nondomestic Waste hauling under permission of the permit issued to the Permittee without first receiving prior written approval from DEHS. The permit issued may be suspended or revoked by DEHS in the

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event there is a change in the person or entity owning the operating company, unless prior notice has been given in writing to DEHS pursuant to Subsection (c) of this Section.

Amended Ordinance #3411 (1990); Amended Ordinance #3671 (1996);

33.0827 Causes and Procedures for Denial, Denial of Renewal, Revocation and Suspension of Permits.

(a) DEHS may deny, deny renewal of, revoke, or suspend a Health and Safety Permit for any one or more of the following causes pertaining to conduct of the applicant or Permittee:

(1) When falsified information is submitted to DEHS in a permit application, report(s) or correspondence;

(2) When false information is submitted to DEHS;

(3) When federal, state, or local laws or regulations pertaining to the collection, or transportation, of Solid Wastes are violated; or

(4) When any violation of conditions to operate exists pertaining to a Conditional Use Permit or Special Use Permit, if such are required.

(5) When DEHS finds that the Collection Vehicles or other equipment used or to be used in conducting or operating the Garbage hauling, Nondomestic Waste hauling or Refuse collection service is inadequate, unfit, or incapable of being used and maintained to comply with the provisions of this Article.

(6) When DEHS determines that a Permittee has not operated in the County for thirty (30) days or more.

(b) Upon determining cause for the denial, denial of renewal, revocation, or suspension of a permit, DEHS shall give written notice to the applicant or Permittee to show cause why the permit should not be denied, revoked, suspended or its renewal denied, and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, beginning with Section 33.020.

(c) A person or entity whose permit has been denied, revoked or had its renewal denied pursuant to this Section shall not be considered by DEHS for a permit until after one (1) year from the date of such denial, denial of renewal or revocation. After three (3) such denials, denials of renewal, or revocations, or combinations thereof, no new permit shall be granted to such applicant.

Amended Ordinance #3652 (1996); Amended Ordinance #3671 (1996);

33.0828 Renewal of Permits

All Health and Safety Permits shall be renewed annually through DEHS provided DEHS finds that the Permittee, during the period of the unexpired permit, operated in compliance with the provisions of this Article.

Amended by Ordinance #3652 (1996); Amended Ordinance #3671 (1996);

33.0829 Permit Fees and Charges for Service

(a) Payment of Permit Fees. Health and Safety Permit fees shall be paid as specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

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(b) Any of the fees pertaining to this Article may be prorated on a quarterly basis when applied to an additional vehicle for which a permit is requested. Unused portions of such fees may be refunded, prorated on a quarterly basis, to the Permittee in the event said vehicle(s) should be discontinued from use in the business, upon proper written notice to DEHS.

(c) Transfer of Permits Between Vehicles. Where any vehicle operating under a valid current permit is replaced by another vehicle, the permit may be transferred to the replacement vehicle upon payment of a transfer fee as specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code contingent upon an inspection of the new vehicle and approval by DEHS.

(d) Each Permittee issued an annual Health and Safety Permit shall be inspected by DEHS to assure compliance with the provisions of this Article. Whenever DEHS determines that any Permittee is not in compliance with this Article, DEHS may suspend or revoke the Health and Safety Permit in accordance with the procedures provided in Section 33.0827. Any subsequent inspection(s) for the purpose of compliance may be billed as special inspection(s) per Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Amended by Ordinance #3652 (1986); Amended Ordinance #3671 (1996);

33.0830 Vehicle Specifications.

Collection vehicles and Equipment used by Permittees for the collection and/or transportation of Refuse shall be of a type designed and manufactured specifically for such purposes, as determined by DEHS, and shall comply with the following minimum specifications:

(a) All vehicle bodies shall be constructed of metal. All joints and seams shall be welded and leakproof.

(b) All Refuse compartment doors shall be tight-fitting and shall not leak any contents of the collected refuse.

(c) All vehicles classified over three quarter (3/4) ton by the manufacturer shall be equipped with an automatic dumping mechanism.

(d) The Permittee's name or firm name and telephone number shall appear in legible letters not less than three (3) inches high. The business address, if provided, shall appear in letters not less than two (2) inches high on both sides of the vehicle.

(e) All vehicles shall at all times be maintained in a clean, sanitary condition, and shall be well-painted. Vehicles shall be well-maintained and shall not leak oil or other fluids, including hydraulic fluids.

(f) All operators of vehicles or equipment used for transporting Refuse, in which the Refuse storage compartment is open or partially open at the top shall take suitable measures, including tarps, if necessary, to prevent litter release during transportation.

(g) All vehicles used for the collection and/or transportation of Garbage, unmixed with Rubbish, shall be equipped with watertight metal tanks. When used for collection, the tanks shall be covered so that not more than one-half (1/2) of any tank can be uncovered at any one time. The cover shall be fully closed when the vehicle is transporting Garbage. All equipment used for collecting or transporting Garbage, unmixed with Rubbish, shall be cleaned and disinfected at least once daily.

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(h) Vehicles collecting and/or transporting Nondomestic Wastes shall be of a type and construction DEHS determines on a case-by-case basis to be necessary for the particular waste and to protect the public health and safety.

Amended Ordinance #3671 (1996);

33.0831 Equipment Required.

(a) Each vehicle collecting or transporting Refuse, Garbage, or Nondomestic Waste shall at all times carry in the cab current California DMV Registration, proof of current insurance, and the name, address, and phone number to be contacted in case of an accident or emergency.

(b) Permittee's facilities shall be clean, orderly and safe. Out-of-service vehicles shall be clearly identified. Washing facilities shall have adequate drainage.

(c) Solid Waste containers stored in the Permittee's yard shall be free from Refuse and shall be clean.

Amended Ordinance #3671 (1996);

33.0832 Records Required.

All Permittees shall keep, maintain, and furnish copies of such operating records as DEHS may request to ascertain compliance with this Article. All Permittees shall maintain a log of all complaints received for review by DEHS.

The complaint log shall contain the following information: date and time the complaint was received; name, address and phone number of the complainant, if possible; date and time of incident; nature of the complaint; and date of final action. All complaint logs shall be retained for at least 18 months and shall be available for DEHS inspection.

Amended Ordinance #3671 (1996);

33.0833 Requirements of Permittee.

a) All Permittee's vehicles and equipment shall be subject to DEHS inspection at any operating location during regular business hours.

(b) No Permittee shall hold Putrescible Wastes in a vehicle for more than twenty-four (24) hours.

(c) Each employee driving a Permittee's vehicle shall at all times have a current valid and appropriate California DMV operator's license.

Amended Ordinance #3671 (1996);

33.0834 Office for Inquiries and Complaints.

The Permittee shall take all steps as may be reasonable and necessary in order to assure that the collection of solid waste is completed in a timely and efficient manner. The Permittee shall maintain customer service phone lines from 8:00 a.m. to 5:00 p.m. Monday through Friday, and during hours of service on Saturdays, if any waste collection service is provided on Saturday. The number of local phone lines provided shall be sufficient to adequately serve the public. The Permittee shall notify DEHS in writing seven (7) days prior to any change in business name, address, or telephone number. Such notice shall set forth the corrected information. This Section shall not

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require the Permittee to maintain an office which is different than or separate from the office for inquiries and complaints maintained by Permittee under any other section of this Chapter or under Division 6 of Title 4 of this Code.

Amended Ordinance #3671 (1996);

33.0835 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this Article shall generally proceed as set forth in Chapters 1, 2, and 3 of Division 3 of Title 3 of the San Bernardino County Code and otherwise as provided by law.

In addition, and in accordance with the provisions in Section 33.0112 of this Division of the County Code, any party convicted of violating this Division, may be held liable by the court for reimbursement to the County for all or part of the costs incurred in the investigation, analysis, inspection, abatement and prosecution of the enforcement action against the guilty party.

Amended Ordinance #3671 (1996);

33.0836 - 33.0839 (Reserved)

Amended Ordinance #3671 (1996);

Article 2.1. CLASS A PERMITS

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33.0841 Definitions.

33.0842 Permits.

33.0843 Exemptions.

33.0844 Refuse Collection Areas.

33.0845 Application/Renewal of Permit.

33.0846 Issuance, Renewal, Suspension, Transfer and Revocation of Permits.

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33.0848 Specification of Permit Areas.

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33.0849A New Applicants.

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33.0849D Hours of Collection.

33.0849E Office for Inquiries and Complaints.

33.0849F Administration, Enforcement, Remedies and Penalties.

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33.0840 Statement of Purpose and Authority.

This purpose of this Article is to establish permitting requirements and minimum standards for refuse collection and transportation within the unincorporated areas of the County of San Bernardino.

Pursuant to the authority cited in Chapter 1 of Division 3 of Title 3 of the San Bernardino County Code; Public Resources Code, Division 30, Part 4, Chapter 2, Section 40059; and other applicable State law, the Board of Supervisors authorizes the Division of Environmental Health Services, Department of Public Health to enforce this Article prior to July 1, 1997. After June 30, 1997, the Board of Supervisors authorizes Waste System Division, Public Services Group, to enforce this Article.

Ordinance #3671 (1996);

33.0841 Definitions.

The following definitions apply only to this Article and are in addition to definitions in articles 1 and 2 of this chapter.

(a) "Class A Permit" means a permit required by all Refuse Haulers to provide Refuse collection and transportation service to residential, commercial and or industrial customers within the unincorporated areas of the County which areas are not serviced through a franchise agreement issued under the provisions of Division 6 of Title 4 of this Code.

(b) "Class A Permit Holder" is any person or entity engaged in the collection, transportation and removal of Refuse who has been issued a Class A Permit; except those persons exempted under section 33.0843 of this Article.

(c) "Department" means the Local Enforcement Agency, Division of Environmental Health Services, Department of Public Health prior to July 1, 1997 and means the Waste System Division, Public Services Group, after June 30, 1997.

(d) "Nondomestic Wastes" shall include wastes which may be solid, semisolid, slurries, dust, nonpetroleum oils, and related substances or combinations thereof, which constitute a potentially dangerous health or environmental risk to residents of the County of San Bernardino. Wastes may be determined as such by DEHS upon finding that special transportation requirements are necessary due to the nature of the material, the intended disposal method, or the intended end use. Said term shall not include any wastes classed as infectious, toxic, or hazardous by State or Federal statute.

(e) "Refuse" means all Solid Waste as defined in Public Resources Code Section 40191.

(f) "Refuse Hauler" shall mean any person or entity engaged in the collection, transportation and removal of Refuse, except that it shall not mean a Garbage Hauler.

(g) "Refuse Collection Area" means those portions of the County of San Bernardino designated on certain maps entitled "Refuse Collection Areas in San Bernardino County" including all amendments and changes thereto, which maps are incorporated by reference and are on file with Department and in the office of the Clerk of the Board.

(h) "Route Vehicle" is a vehicle which is used in the day-to-day collection/transportation of Refuse.

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(i) "Spare Vehicle" is a vehicle which is used to temporarily replace the regular Route Vehicle of a Class A Permit Holder when the Route Vehicle is being serviced or is otherwise unavailable for use. A Spare Vehicle is subject to the same standards and requirements as a regular Route Vehicle.

Ordinance #3671 (1996);

33.0842 Permits.

It shall be unlawful for a Refuse Hauler to operate a Refuse collection, transportation or disposal activity except where exempt by this Code, without possessing the applicable unexpired, unsuspended, unrevoked Class A Permit(s) to do so, approved by the Board of Supervisors and issued by the Department and having paid fees to the Department required by this Article, as set forth in the County of San Bernardino Schedule of Fees. Permits shall be issued for a term of 12 months or for such shorter term as determined by the Board of Supervisors.

The Permittee under a Health and Safety Permit is not considered to be a holder of, nor to have received or have the right to receive a Class A Permit. Without limiting the generality of the forgoing, any holder of a Class B or D permit, as it existed prior to the effective date of this section, shall not be considered to be a holder of nor to have received or have the right to receive, a Class A Permit by virtue of his, her or its status as either a prior holder of a Class B or D permit or as a current Permittee of a Health and Safety Permit.

The Class A Permit shall be issued for specified Refuse Collection Areas as defined in Section 33.0844 of this Article.

Ordinance #3671 (1996);

33.0843 Exemptions.

Exempted from the requirements of Section 33.0842 are:

(a) Those hauling Domestic Waste generated upon their own property, residence or business.

(b) Those who collect Garbage, unmixed with Rubbish, and transport it to a commercial Garbage-feeding hog ranch or to a commercial establishment for processing.

(c) Construction/Demolition clean up crews, landscapers and yard maintenance services who physically gather, collect and remove materials, such as construction debris, demolition waste, yard trimmings or similar materials only. This does not include merely providing a refuse container without providing the additional service of gathering materials and placing them in the container.

Ordinance #3671 (1996);

33.0844 Refuse Collection Areas.

(a) For the purpose of this Article, the County of San Bernardino shall be divided into Refuse Collection Areas. Such areas are designated on those certain maps entitled "Refuse Collection Areas in San Bernardino County." Such maps are incorporated herein by reference and are on file with Department and in the office of the Clerk of the Board of Supervisors.

(b) Except as otherwise provided in this Article, it shall be unlawful for any person or

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entity, other than a Class A Permit Holder , to operate a Refuse collection service within any Refuse Collection Area.

(c) Any Refuse Collection Area may be modified by the Board of Supervisors at any time should they find that such modification is necessary for the efficient conduct and operation of refuse collection in the area involved. In the event of such action, all concerned Class A Permit Holders shall be given a ten (10) day written notice thereof before such modification is acted upon by the Board of Supervisors.

Ordinance #3671 (1996);

33.0845 Application/Renewal of Permit.

In addition to all the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, the following are prerequisite to issuance or renewal of a Class A Permit:

(a) Applicants for a Class A Permit or a renewal thereof must complete the Department verified application form which shall include:

- (1) Complete name and description of the applicant;
- (2) Permanent home address and business addresses of the applicant;
- (3) Trade, dba, fictitious business and firm names the applicant operates under;
- (4) If a joint venture, partnership or limited partnership, the names of all participants and/or partners. If a corporation, the name of each officer, the nature of their office or participation and their permanent address; and the name and address of the agent for service of process.

- (5) The location of all appropriate waste facilities that will be used together with a statement indicating that the waste being delivered to each site will be within the classification limits of that site;

- (6) The geographical boundary of the area for which the Class A Permit is to apply;

- (7) Facts showing that the applicant is qualified to render efficient service. This statement shall include any prior experience that will help establish the applicant's capability to perform this function. New applicants shall include a written statement of net worth or other financial data that will establish the applicant's capability to discharge applicant's obligations under the applicable provisions of this Article.);

- (8) An applicant for a Class A Permit, if applying for a permit to service five hundred (500) or less customers, shall give the number of customers that the Class A applicant proposes to serve.

- (9) That the applicant owns or controls sufficient Refuse vehicles and other necessary equipment in good mechanical condition to adequately conduct the proposed Refuse collection business. That the applicant owns or has access to suitable facilities for maintaining the vehicles and other necessary equipment in a clean and sanitary condition;

- (10) That the Refuse collection/ transportation vehicles and equipment of the applicant conform to all applicable provisions of this chapter; the issuance of a Class A Permit is in the public interest in that it is likely to satisfy an existing public need; and

- (11) Such other facts or information as Department may reasonably require.

(b) Indemnification. Separate and distinct from the insurance provisions required by this Division, each Permittee shall appear and defend (with counsel approved by County) all actions against the Department and the County, and the Permittee agrees to defend, indemnify, and hold the County and/or its officers, agents, volunteers and

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employees harmless from and against, any and all claims and demands, causes of action of every kind and description, damages, liabilities, costs or expenses for any damages or injuries to any person or property, including, but not limited to, injury to Permittee's officers, agents, or employees which arise directly or indirectly from or are connected with or are caused or claimed to be caused by acts, errors or omissions of Permittee, or its officers, agents, or employees, in exercising its rights or in performing its duties under its permit or under this Division, and all costs and expenses of investigating and defending against same; except to the extent such indemnification is prohibited by law.

(c) Insurance. The Class A Permit Holder shall obtain and keep in force during the term of said permit, comprehensive general and vehicular liability insurance of at least one million dollars (\$1,000,000.00) combined single limits for bodily injury and property damage and a program of Workers' Compensation insurance or a state-approved Self-Insured Workers' Compensation Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including employer's liability with two hundred fifty thousand dollar (\$250,000.00) limits covering all employees of the permit holder. The County of San Bernardino shall be named as an additional insured and all policies, except Workers' Compensation, shall contain a provision requiring written notice to be given to the Department prior to cancellation, modification or reduction of limits.

INSURANCE REVIEW. The above insurance requirements are subject to periodic review by the County. The Risk Manager of the County of San Bernardino is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation or any other item reasonably related to the County's risk.

(d) Class A Permit Holder shall not be required to maintain separate policies of insurance for any type of insurance required under this Section, any other section of this Chapter or under Division 6 of Title 4 of this Code. However, the Class A Permit Holder must maintain the level of insurance which is the higher of that required in this Chapter or Division 6 of Title 4 of this Code and must obtain and maintain insurance coverage which satisfies all of the provisions of this Chapter and Division 6 of Title 4 of this Code, including without limit, providing certificates of insurance to all specified Departments of the County and requiring notification of the cancellation or termination of any insurance policy be given by the insurance company to all specified Departments of the County.

(e) The application called for in this section may be combined with the application called for in Section 33.0825 dealing with Health and Safety Permits, if the applicant is required to obtain or renew a Health and Safety Permit at the same time as it is required to submit an application under this section ("Joint Application"). Such Joint Application must satisfy all of the requirements of both this section and Section 33.0825. In the event the applicant chooses to submit a Joint Application, applicant shall give Department one duplicate original of the Joint Application. Department shall take all actions with respect to the issuance or renewal of the Class A Permit sought in the Joint

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Application, to the same effect as if the applicant had submitted an application solely under this Section 33.0845.

Ordinance #3671 (1996);

33.0846 Issuance, Renewal, Suspension, Transfer and Revocation of Permits.

(a) Issuance or Renewal. Where Department finds that the statements in the application are true and that the applicant for issuance or renewal of a Class A Permit is reasonably capable of complying with the provisions of this Article, Department shall recommend issuance or renewal of a Class A Permit for the collection of the Refuse. The proposed issuance or renewal shall then be approved or denied by the Board of Supervisors.

(b) Suspension/Revocation/Non-Renewal. A Class A Permit Holder shall not lease, sublet, subcontract, or in any manner allow any other person or entity to engage in Refuse operations under permission of the Class A Permit issued to the permit holder. The Class A Permit may be suspended, revoked or not renewed at the option of the Board of Supervisors in the event there is a change in the person or entity owning or operating the company or in the person to whom the permit is issued, unless approval therefore has been obtained in writing from the Board of Supervisors.

(c) Transfer of Class A Permit. Requests for approval of transfer of a Class A Permit because of a change in ownership of any kind or nature in the operating company or of the business operating under the Class A Permit, shall be submitted in writing to Department and approved by the Board of Supervisors prior to any such change. Any transfer of a Class A Permit to the new owners shall be approved by the Board of Supervisors, upon the recommendation of Department, in accordance with the requirements of this Chapter. Such transferred Class A Permit may be for a term shorter than the remaining unexpired permit term and be subject to such conditions as determined by the Board of Supervisors.

(d) Payment of Insurance. A Class A Permit Holder shall furnish Department, prior to expiration or termination of the period covered by premium payment when renewal is automatic, evidence of renewal and of full payment of the premium on required insurance coverage. Nonreceipt by Department of this information shall result in the insurance policy being considered to be expired and justification for the suspension, revocation or cancellation of the permit in the manner set forth in this Article and Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code.

(e) Statement of Ownership. The Class A Permit Holder shall file a true and correct statement of ownership with Department at the time of permit renewal each year under penalty of perjury.

(f) Temporary Permit. The Board of Supervisors may, for any reason, choose to postpone the decision on the approval or denial of a new Class A Permit, the annual renewal of a Class A Permit or the transfer of a Class A Permit to new owners if it issues a separate temporary Class A Permit having a term less than or equal to 6 months ("temporary permit"). The issuance of a temporary permit may be subject to such terms as determined by the Board of Supervisors and does not constitute either the issuance of a new Class A Permit, the renewal of an existing Class A Permit or the approval or denial of the transfer of a Class A Permit, as the case may be. The

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issuance of a temporary Class A Permit shall confer no rights beyond the rights set forth in the temporary Class A Permit for the time period set forth in the temporary Class A Permit.

Ordinance #3671 (1996);

33.0847 Procedure for Denial, Denial of Renewal, Revocation and Suspension of Permits.

(a) The Board of Supervisors may deny, deny renewal of, revoke or suspend a Class A Permit for any one or more of the following causes pertaining to conduct of the applicant or permit holder:

(1) When falsified information is submitted to Department in a permit application, report(s) or correspondence.

(2) When false information is submitted to Department on a material question.

(3) When federal, state or local laws or regulations pertaining to Solid Waste Handling are violated.

(4) When the holder of the Class A Permit or applicant for a Class A Permit is in arrears or not current with the charges or fees due for use of any County-maintained Solid Waste Facility used for Refuse Hauler operations, unless waived by the Waste System Division; or

(5) When any violation of conditions to operate exists pertaining to the Conditional Use Permit or Special Use Permit.

(b) Upon determining cause for the denial, denial of renewal, revocation or suspension of a Class A Permit, Department shall give written notice to the applicant or Class A Permit Holder to show cause why the Class A permit should not be denied, revoked, suspended or its renewal denied and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, beginning with Section 33.020. The Hearing Officer shall then recommend to the Board of Supervisors whether the permit should be renewed, revoked, suspended or denied. The recommendation of the Hearing Officer shall then be approved, modified or rejected by the Board of Supervisors or the Board may call for additional testimony before making a decision. The decision of the Board shall be final.

(c) When the request for denial, denial of renewal, revocation or suspension of a permit is the result of a request by another Department, hereinafter the Initiating Department, that Department shall reimburse Department for any expenses incurred as provided for in a memorandum of understanding (MOU) between Department and the Initiating Department. The Initiating Department shall be responsible for the presentation of the facts of the case involved in the requested action.

(d) A person or entity whose Class A Permit has been denied, revoked or had its renewal denied pursuant to this section shall not be considered by the Board of Supervisors for a Class A Permit until one (1) year from the date of such denial, denial of renewal or revocation. After three (3) such denials, denials of renewal or revocation, or combinations thereof, no new Class A Permit shall be granted to such applicant.

Ordinance #3671 (1996);

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33.0848 Specification of Permit Areas.

Department shall specify in all Class A Permits or renewals thereof, the territory within the Refuse Collection Area in which the Class A Permit Holder may collect Refuse. No Class A Permit Holder may, at any time, collect Refuse within the unincorporated area of the County of San Bernardino outside the territorial limits fixed in the Class A Permit issued. The territory so specified in any such permit may be modified by Department with Board of Supervisors approval if such modification is found to be necessary for the efficient conduct and operation of Refuse collection in the territory involved.

Ordinance #3671 (1996);

33.0849 Renewal of Permits.

Class A Permits must be renewed annually. Where Department finds that the Class A Permit Holder, during the period of the unexpired Class A Permit, operated in conformity with the law, Department shall recommend renewal of the Class A Permit for the collection of refuse. The proposed renewal shall then be approved or denied by the Board of Supervisors. No permit shall be renewed or reissued as long as the would-be holder of the renewed or reissued permit is in arrears or not current with the charges or fees due for use of any County-maintained Solid Waste Facility used for refuse hauler operations. Only when no sum of money is due and owing to the County for such charges or fees shall such a Class A Permit be renewed or reissued.

Ordinance #3671 (1996);

33.0849A New Applicants.

(a) Every new applicant who desires to engage in any activity of Refuse collection, transportation, hauling or disposal within the County of San Bernardino shall obtain a Class A Permit as provided herein prior to commencing such activities.

(b) The Board of Supervisors may deny an application on the grounds of infeasibility. Whenever a new application is filed under the provisions of this Article for a Class A Permit to provide refuse collection service within this jurisdiction where one or more Class A Permits already exist, the Board of Supervisors, after due investigation, may find and determine, as a matter of fact, that there does not exist in the area sufficient potential source of Refuse to justify the granting of an additional, separate and distinct Class A Permit for use within that Refuse Collection Area. Predicated on such findings, the Board of Supervisors may deny the application for a Class A Permit on the grounds that the granting of such new permit is not economically or financially feasible and not in the public interest and welfare.

Ordinance #3671 (1996);

33.0849B Permit Fees and Charges for Services.

(a) All permit fees, charges for services and fees for use of approved County Solid Waste Facilities shall be paid as specified in the San Bernardino County Code Schedule of Fees.

(b) Payment of Permit Fees. Any of the fees pertaining to this Article may be prorated on a quarterly basis when applied to an additional vehicle for which a permit is

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requested. When a Class A Permit Holder engages in Refuse collection operations in more than one Refuse Collection Area, a separate Class A Permit shall be required for each Refuse Collection Area in which it operates. The minimum permit fee shall be as specified in the San Bernardino County Code Schedule of Fees.

Fees for vehicles shall be prepaid for the permit period for which application for a Class A Permit has been made. Unused portions of such fees may be refunded, prorated on a quarterly basis, to the Class A Permit Holder in the event said vehicle(s) should be discontinued from use in the business, upon proper written notice to Department.

(c) Transfer of Class A Permits Between Vehicles. Where any vehicle operating under a valid current Class A Permit is replaced by another vehicle, the Class A Permit may be transferred to the replacement vehicle upon payment of a transfer fee as specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code contingent upon any required inspection and approval of the new vehicle by the Department.

(d) Basis for Class A Permit Holder's Charges. All charges for services by Class A Permittees shall be nondiscriminatory and uniform for equal services rendered. Charges shall be reasonably based upon the number of containers, type of Refuse, whether compacted or loose, number of separate pick-up points at any place of collection, placement of container or distance of carry-out, frequency of collection, remote location, geographical terrain and whether residential, commercial or industrial collection. An inclusive rate schedule shall be filed with Department by each permit holder as a condition of approval of any permit issued or renewed.

(e) Rate Adjustments. Annual and special rate adjustments shall be made in accordance with the adopted policy of the Board of Supervisors.

(f) Reasonable Rates. Any subscriber who believes an unreasonable charge has been billed for collection service may file a written complaint with Department setting forth the facts of such alleged overcharge. Department shall notify the Refuse collector of such complaints and conduct a hearing in accordance with Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, if requested to do so, to determine the reasonableness of the charge for such service. In such a hearing, the subscriber shall bear the burden of proof by a preponderance of the evidence.

(g) Verification of Rates. Department shall review and maintain a continuous evaluation of Refuse collection operating costs and make recommendations to the Board of Supervisors as to the reasonableness of a Class A Permit Holder's rates and whether they are nondiscriminating and uniform for equal service.

Ordinance #3671 (1996);

33.0849C Records Required.

All Class A Permit Holders shall keep, maintain and furnish copies of such operating records as Department may require to ascertain compliance with this Article. All Class A Permit Holders shall maintain a log of all complaints received for review by Department.

Ordinance #3671 (1996);

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33.0849D Hours of Collection.

Class A Permit Holders shall not collect refuse within a residential area or contiguous commercial area between the hours of 10:00 p.m. and 6:00 a.m. the next day.

Ordinance #3671 (1996);

33.0849E Office for Inquiries and Complaints.

The Class A Permit Holder shall take all steps as may be reasonable and necessary in order to assure that the collection of waste is completed in a timely and efficient manner. The Class A Permit Holder shall maintain customer service phone lines from 8:00 a.m. to 5:00 p.m. Monday through Friday, and during hours of service on Saturdays, if any Refuse collection service is provided on Saturday. The number of local phone lines provided shall be sufficient to adequately serve the public. A Class A Permit Holder shall notify Department in writing seven (7) days prior to any change in business name, address, or telephone number. Such notice shall set forth the corrected information. This Section shall not require a Class A Permit Holder to maintain an office which is different than or separate from the office for inquiries and complaints maintained to comply with any other section of this Chapter or under Division 6 of Title 4 of this Code.

Ordinance #3671 (1996);

33.0849F Administration, Enforcement, Remedies and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies and penalties as to this Article shall proceed as set forth in Chapters 1, 2 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

In addition, and in accordance with the provisions in Section 33.0112 of this Division of the County Code, any party convicted of violating this Article be held liable by the court for reimbursement to the County for all or part of the costs incurred in the investigation, analysis, inspection, abatement and prosecution of the enforcement action against the guilty party.

Ordinance #3671 (1996);

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Article 3 LIQUID WASTE (SANITARY) PUMPERS

33.0850 Purpose and Authority.

The purpose of this article is to establish standards for permitting the operations of persons or entities servicing, pumping, or transporting sanitary wastes from septic tanks, seepage pits, cesspools, portable toilets, sewage holding tanks, grease interceptors, and other repositories of such wastes, to ensure that environmental public health hazards, nuisances, and pollution do not occur as a result of improper handling or disposal.

Pursuant to the authority cited in Chapter I of Division 3 of Title 3 of the San Bernardino County Code; State of California Water Code § 3304; State of California Government Code § 66700 et seq. (Solid Waste Management, Resource Recovery, and Recycling); State of California Health and Safety Code § 5410 et seq. (Sewage and Other Waste); State of California Health and Safety Code § 25000 et seq. (Septic Tanks, Chemical Toilets, Cesspools, and Seepage Pits); and other applicable state law, this Board designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.0851 Definitions.

Definitions herein are in addition to all definitions in Chapters I and 3 of Division 3 of Title 3 of the San Bernardino County Code.

(a) CHEMICAL SUBSTANCES means any substance placed in the waste receptacle of a portable toilet for the purpose of controlling odors and/or decomposition.

(b) PORTABLE TOILET means an enclosed unit intended for temporary use at a given location with a total floor space not exceeding thirty-six (36) square feet. The term does not include toilets in camping trailers or similar units whose primary intended use is recreational.

(c) SANITARY WASTES means liquid or semiliquid wastes contained within septic tanks, seepage pits, cesspools, sewage holding tanks, or other repositories of human body wastes, or similar materials, including grease interceptors, which may contain human pathogens.

Renumbered and restated Ordinance #3105 (1986);

33.0852 Permits and Hearing Procedures.

It shall be unlawful for any person or entity to pump or otherwise remove the contents of a septic tank, seepage pit, cesspool, sewage holding tank, portable toilet, grease interceptor, or other receptacle of sanitary wastes or to transport sanitary wastes without an unexpired, unsuspended, unrevoked permit issued by the San Bernardino County Department of Environmental Health Services (DEHS) and having paid all fees specified in the San Bernardino County Code Schedule of Fees. All procedures in Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code relating to permits/hearings apply to this article except as provided herein.

Renumbered and restated Ordinance #3105 (1986);

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33.0853 Application for Permits.

When applying for a permit to comply with § 33.0852 of this Code, an applicant shall complete in full an application form provided by the San Bernardino County Department of Environmental Health Services (DEHS) to include:

- (a) Complete name and description of the applicant;
- (b) Permanent home address and business addresses of the applicant;
- (c) Trade, dba, fictitious business and firm names the applicant operates under;
- (d) If a joint venture, or a partnership or limited partnership, the names of all *participants/partners*. If a corporation, the name of each officer, title, and the nature of their participation, and their permanent address, and the name and address of the agent for the service of process;
- (e) The location of all approved disposal sites that will be used;
- (f) Facts showing that the applicant is qualified to render efficient services. This statement shall include any prior experience that will help establish the applicant's capability to perform this function; where the applicant has provided a similar service in any other jurisdiction, a letter from that local health authority shall be included;
- (g) Facts showing that the applicant owns or controls vehicle(s) and equipment that conform to all applicable provisions of this article;
- (h) Such other information as DEHS may reasonably require, pertinent to the applicant's capability to carry out the permitted activity;
- (i) Such information as required to show applicant may legally conduct his/her business at the proposed locations pursuant to Title 8 of the San Bernardino County Code (the Development Code).

Renumbered and restated Ordinance #3105 (1986);

33.0854 Issuance of Permits.

The San Bernardino County Department of Environmental Health Services (DEHS) shall act upon permit applications within thirty (30) days unless special uses or conditions exist causing additional review by DEHS or the San Bernardino County Department of Land Management, Office of Planning. Notification of special review shall be made to applicant within the thirty (30) days.

Renumbered and restated Ordinance #3105 (1986);

33.0855 Indemnification and Insurance.

A permittee shall indemnify, defend and hold harmless the County of San Bernardino and their authorized agents, officers, volunteers and employees against any and all claims or actions arising from the permittee's acts or omissions and for any costs or expenses incurred by the San Bernardino County Department of Environmental Health Services (DEHS), County of San Bernardino or permittees on account of any claim therefore.

In order to accomplish the indemnification herein provided for, but without limiting the indemnification, the Permittee shall secure and maintain throughout the term of the permit the following types of insurance within the limits as shown:

- (a) **WORKER'S COMPENSATION.** A program of Worker's Compensation Insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with two hundred fifty thousand dollar (\$250,000) limits, covering all

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persons providing services on behalf of the permittee and all risks to such person under this permit.

(b) COMPREHENSIVE GENERAL and AUTOMOBILE LIABILITY INSURANCE.

(1) All permittees must have automobile liability coverage for owned, hired, and nonowned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000).

(2) Permittees with three (3) or more trucks must also have Comprehensive General liability insurance. The policy coverage shall have combined single limits for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000).

Permittee shall immediately furnish certificates of insurance and within sixty (60) days provide certified copies of all policies and endorsements to DEHS evidencing the insurance coverage above required prior to the commencement of performance of services hereunder, which certificates shall provide that such insurance shall not be terminated or expire without thirty (30) days written notice to DEHS, and shall maintain such insurance from the time the permittee commences business activities upon permit receipt and throughout any hearings for denial, revocation and/or suspension of permits or renewals.

All policies, with respect to the insurance coverage above required, except for the Worker's Compensation Insurance coverage, if applicable, shall have endorsements naming DEHS and the County of San Bernardino, their employees, agents, volunteers and officers as additional named insured with respect to liabilities arising out of performance of services hereunder.

The permittee shall require the carriers of the above required coverage to waive all rights of subrogation against DEHS and the County of San Bernardino, their offices, volunteers, employees, contractors and subcontractors.

(c) **INSURANCE REVIEW.** The above insurance requirements are subject to periodic review by the County. The Risk Manager of the County of San Bernardino is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

Renumbered and restated Ordinance #3105 (1986);

33.0856 Renewal of Permits.

Permits may be renewed annually when the San Bernardino County Department of Environmental Health Services (DEHS) finds that the permit holder, during the period of the unexpired permit, operated in conformity with the law, except that no permit shall be renewed or reissued as long as the would-be holder of the renewed or reissued permit is in arrears or not current with the charges or fees due for use of any County maintained disposal site used for liquid waste pumper operations. Only when no sum of money is due and owing to the County for such charges or fees shall such a permit be

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renewed or reissued. Renewal procedures shall generally follow the provisions of Chapter 2 of this division beginning with Section 33.020.

Amended Ordinance #3294 (1988); Renumbered and restated Ordinance #3105 (1986);

33.0857 Denial, Denial of Renewal, Revocation, and Suspension of Permits.

(a) The San Bernardino County Department of Environmental Health Services (DEHS) may deny, deny renewal of, revoke, or suspend a permit for any one or more of the following causes pertaining to conduct of the applicant or permit holder:

(1) When falsified information is submitted to DEHS in a permit application, report(s), or correspondence;

(2) When false information is submitted to DEHS on a material question;

(3) When federal, state, or local laws or regulations pertaining to the collection, transportation, or disposal of liquid wastes are violated, or the issuing of a DEHS permit may create such a violation;

(4) When the DEHS has been notified by the San Bernardino County Solid Waste Management Department or a County Special District, that the holder of the permit or applicant for a permit is in arrears or not current with the charges or fees due for use of any County maintained disposal site used for liquid waste pumper operations, unless waived by the Solid Waste Management Department or County Special District; or

(5) When any violation of conditions to operate exists pertaining to the Conditional Use Permit or Special Use Permit issued for the uses permitted by this chapter.

(b) Upon determining probable cause for the denial, denial of renewal, revocation, or suspension of a permit, DEHS shall give written notice to the applicant or permittee to show cause why the permit should not be denied, revoked, suspended or its renewal denied, and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, beginning with Section 33.020.

(c) When the request for denial, denial of renewal, revocation or suspension of a permit is the result of a request by another department or district, hereinafter the Initiating Department, that department or district shall reimburse the DEHS for any expenses incurred as provided for in a memorandum of understanding (MOU) between DEHS and the Initiating Department. The Initiating Department shall be responsible for the presentation of the facts of the case involved in the requested action.

(d) A person or entity whose permit has been denied, revoked or had its renewal denied pursuant to this section shall not be considered by DEHS for a permit until after one (1) year from the date of such denial, denial of renewal or revocation. After three (3) such denials, denials of renewal or revocations, or combinations thereof, no new permit shall be granted to such applicant.

Amended Ordinance #3294 (1988); Renumbered and restated Ordinance #3105 (1986);

33.0858 Nontransferability of Permits and Change of Address.

Permits issued pursuant to this article are nontransferable as to any person or entity. A permittee shall not lease, sublet or subcontract the activities regulated under the

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permit to any person. A permittee may hire employees to perform permit activities. A change of ownership, dba or address of the place of residence or business of any person permitted under this article shall be reported in writing to the San Bernardino County Department of Environmental Health Services (DEHS) within ten (10) days after said changes occur.

Renumbered and restated Ordinance #3105 (1986);

33.0859 Records and Reports.

Each permittee shall maintain accurate records and keep them available at the business office of the permittee for inspection by the San Bernardino County Department of Environmental Health Services (DEHS) any time during business hours. The records shall include the location where sanitary wastes are collected; and the type, quantity, and location of all waste discharges made pursuant to the permit for the present and last two (2) calendar years. Additionally:

(a) Such information shall be submitted to DEHS for each month of operation on forms approved or provided by DEHS, by the fifteenth (15th) day of the following month.

(b) For portable toilets only, the quantity of waste from several units may be summarized on a daily basis if discharge is made to a single disposal site.

(c) DEHS may require such other information as is reasonably necessary and pertinent to ensure that the provisions of this article are met.

(d) Each permittee shall provide to each customer for whom the permittee has provided pumper services for sanitary waste removal a receipt and/or bill for said services which shall include:

- (1) Number of compartments pumped;
- (2) Estimated gallonage or volume of sanitary wastes removed;
- (3) Intended location to which the sanitary wastes are to be discharged, and;
- (4) Estimated disposal charges to be incurred upon disposal of said sanitary wastes.

Renumbered and restated Ordinance #3105 (1986);

33.0860 Disposal of Sanitary Wastes.

No sanitary wastes, including wash or rinse water used to clean the interior of the liquid waste hauler's vehicle tank or any portable toilet, shall be disposed of at any location which is not approved by the San Bernardino County Department of Environmental Health Services (DEHS) and which does not meet either or both, as applicable, of the following conditions:

(a) The current unrevoked Waste Discharge Requirements for the treatment and/or disposal of liquid wastes from the appropriate California Regional Water Quality Control Board.

(b) A current, unrevoked solid waste disposal site permit sanctioning the disposal of septic or other liquid wastes from the California Integrated Waste Management Board.

Renumbered and restated Ordinance #3105 (1986);

33.0861 Required Health and Safety Equipment.

Every vehicle requiring a permit by this article shall at all times of operation have necessary equipment as determined by the San Bernardino County Department of

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Environmental Health Services (DEHS) to protect the public health and safety. DEHS will periodically publish standards for the operation, maintenance and care of liquid waste hauling units. These standards shall be subject to a thirty (30) day review period prior to approval by the Director of DEHS.

Renumbered and restated Ordinance #3105 (1986);

33.0862 Cleanliness and Markings for Vehicles.

Every vehicle requiring a permit by this article shall at all times be operated and kept in a clean, well-maintained condition. Each shall be marked on each side with the name, address, and telephone number of the permittee, in letters a minimum of three inches (3") in height. The certified volume of the tank shall be placed upon the tank or vehicle in minimum three inch (3") high numbers. All such markings shall be kept legible at all times.

Renumbered and restated Ordinance #3105 (1986);

33.0863 Sanitary Wastes, Hazardous and/or Toxic Wastes and Materials.

Vehicles approved and registered for the transportation of hazardous materials or hazardous waste as defined by California Health and Safety Code § 2541 I(c) or § 25117, or which otherwise transport sanitary wastes, are not exempt from the requirements of this article, including payment of annual inspection fees as set forth by the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986);

33.0864 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this article shall generally proceed as is set forth in Chapters 1,2, and 3 of Division 3 of Title 3 of the San Bernardino County Code, and otherwise in the manner provided by law.

Renumbered and restated Ordinance #3105 (1986);

33.0865 Portable Toilets.

All liquid waste haulers that provide portable toilets shall comply with the following:

- (a) Portable toilets shall be operated and kept in a clean, well-maintained condition.
- (b) Portable toilets shall be pumped as necessary and at least within a week after use.
- (c) Portable toilets shall be cleaned and disinfected thoroughly, including the inner walls, receptacle, seats, and lids.
- (d) Chemical additives used in portable toilets shall be chosen from the list of acceptable additives provided by the California Regional Water Quality Control Board.

Renumbered and restated Ordinance #3105 (1986);

Article 4

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SEWAGE HOLDING TANKS

33.0870 Purpose and Authority.

The purpose of this Article is to ensure that sewage holding tanks are installed and utilized so as not to create a danger to the public health or safety. Pursuant to the authority cited in San Bernardino County Code Title 3, Division 3, Chapter 1, California Health and Safety Code Section 5400 et. Seq. (Sewage and Other Waste), and other applicable State law, the Division of Environmental Health Services (DEHS) of the County of San Bernardino is designated as the enforcement authority for the purposes of this article.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0871 Definitions.

Definitions herein shall supplement all definitions in San Bernardino County Code Title 3, Division 3, Chapters 1 and 3.

(a) "Applicant" or "Property Owner" shall refer to the person or entity who is the owner of record of the land for which a permit for a sewage holding tank has been sought.

(b) "Contamination" means an impairment of the quality of waters within the unincorporated area of the County of San Bernardino by wastes or other degrading elements to any degree which creates a hazard to the public health through the possibility of poisoning or the spread of disease.

(c) "District" shall mean any sanitation district governed by the Board of Supervisors of the County of San Bernardino.

(d) "Pollution" means an alteration of the quality of the waters within the unincorporated area of the County of San Bernardino by waste to a degree which adversely affects: (1) Such water for beneficial uses; (2) Facilities which serve such beneficial uses. "Pollution" may include contamination.

(e) "Septic Tank Pumper" means any person subject to Article 3 of this chapter (beginning with Section 33.0850) and holding such DEHS permit.

(f) "Sewage" means a combination of liquid wastes which may include chemicals, house waste, human excreta, animal or vegetable matter, and other solids in suspension or solution, which are discharged from a dwelling, building, or other establishment.

(g) "Sewage Holding Tank" means a watertight-covered receptacle designed to receive, and temporarily store, the discharge of sewage prior to periodic removal of its contents to an approved permanent disposal site. This does not include holding tanks used for the purpose of collecting and reusing graywater.

(h) "Sewering Entity" shall mean any public agency which operates sewage collection and treatment facilities.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0872 Use of Sewage Holding Tanks Restricted. Permits Required.

No person or entity shall install, utilize, or control the use of any sewage holding tank within the unincorporated area of the County of San Bernardino for the confinement of sewage discharged from a dwelling, business establishment, or other facility except upon conditions provided in Section 33.0873 herein and possessing a current

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unsuspended, unrevoked permit to do so from DEHS pursuant to the procedures set forth in San Bernardino County Code Title 3, Division 3, Chapter 2 and paying fees to DEHS in accordance with the San Bernardino County Code Schedule of Fees.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0873 Conditions for Construction and Operational Permits.

A permit to install, utilize or control a sewage holding tank may be granted by DEHS upon the following conditions:

(a) The property for which the permit is requested is within the boundaries or sphere of influence of a district or sewerage entity pursuant to Section 33.0876 herein, and the property is unsuitable for a conventional sewage disposal system. For an existing dwelling, business establishment or other facility not within the boundaries or sphere of influence of a sewerage entity, an exemption from the requirement to be within the boundaries of a sewerage entity may be granted by DEHS in order to eliminate a hazardous condition or code violation where no other acceptable means of sewage disposal is feasible or available.

(b) A completed sewage holding tank application, including documentation that all required conditions of San Bernardino Code Section 33.0876, 33.0877 and 33.0880 have been completed.

(c) Any cash bond required by Section 33.0878 herein has been posted with the appropriate agency or with DEHS.

(d) The Division of Building and Safety of San Bernardino County has reviewed the proposed installation and found that the standards adopted in Section 33.0879 herein have been met.

(e) The existence of a sewage holding tank on a property has been recorded on the real property pursuant to Government Code Section 27280 et. seq. or in a manner approved by DEHS.

(f) For an existing dwelling, business establishment or other facility not within the boundaries or sphere of influence of a sewerage entity, an exemption may be granted by DEHS in order to eliminate a hazardous condition or code violation, where no other acceptable means of sewage disposal is feasible or available.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0874 Required Agreements with District or Sewering Entity.

Nothing in this Article precludes the sewerage entity or district from providing direct services, contracting with another sewerage entity or district, or contracting with a private agency to carry out the provisions of this article.

The following written agreements shall be satisfactorily completed and signed by the appropriate official representing the sewerage entity, and filed with DEHS prior to the issuance of any permit.

(a) Subsequent to issuance of an operational permit, notice of the existence of a sewage holding tank as the approved means of sewage disposal for a property will be recorded by DEHS. The application for the permit shall serve as recordation notice and the signature of the property owner shall signify the owner(s) agreement to this recordation action. The cost of recordation shall be per the San Bernardino County Schedule of Fees.

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(b) For all sewage holding tanks with operating permits that were installed prior to July 1, 1995, notice of the existence of a sewage holding tank on a property will be recorded by DEHS. Prior to recording notice of the existence of a sewage holding tank on a property, notice shall be sent to the owner of the property by mail at the address shown on the latest assessment roll or at any other address known to DEHS. Within twenty (20) days of the date of the notice, the owner may present evidence that a sewage holding tank does not exist on the property. The cost of recordation shall be per the San Bernardino County Schedule of Fees.

(c) That the number of sewage holding tanks permitted by the district or sewerage entity is not exceeded by the addition of the applicant's proposed sewage holding tank.

(d) That the sewerage entity or district is authorized to hold any bond required as per Section 33.0876 herein and to utilize said bond to render services necessary to eliminate any hazardous condition created by the applicant's sewage holding tank.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0875 Required Agreements with Properly Owners.

A written agreement with DEHS covering the following shall be satisfactorily completed and signed by all property owners utilizing the proposed sewage holding tank and filed with DEHS prior to the issuance of any DEHS permit.

(a) Properties served by a sewage holding tank shall be subject an annual operating permit fee, as set forth in the San Bernardino County Schedule of Fees, to pay the cost of routine inspections and program administration.

(b) Pursuant to Health and Safety Code sections 510 and 510.5, where a permitted sewage holding tank is located on real property owned by the operator of a business, the property will be assessed the operating permit fee under the following circumstances:.

(1) On all newly approved holding tanks.

(2) On existing holding tanks, when the property is transferred to a new owner.

(3) On existing holding tanks, when the operating permits fees have not been paid for 60 days or more beyond the permit expiration date.

(c) Pursuant to Health and Safety Code section 510.7. in those instances where direct assessment is not authorized by Health and Safety Code section 510, the DEHS may record a certificate specifying the amount, interest, penalty due and the name and last known address of the person liable for the permit fee. From the time of recordation of the certificate, the amount required to be paid constitutes a lien upon all real property in the County of San Bernardino owned or thereafter acquired by the liable person, which lien shall have the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time of recording. Prior to recording the lien, the DEHS shall determine that the operating permit fees have not been paid for 60 days or more beyond the permit expiration date and shall notify the person liable for the fees by certified mail of the intent to record such certificate.

(d) If the appropriate Regional Water Quality Control Board adopts rules or regulations which prohibit or curtail the use of sewage holding tanks, thereby rendering the property unavailable for occupancy, the County of San Bernardino shall be held harmless from the results of such action.

(e) If sewage collection lines become available for service to properties utilizing a sewage holding tank, the property owner shall connect within 90 days to the sewage

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collection line and abandon the sewage holding tank in accordance with the provisions of Section 33.0879 of this article.

(f) If property containing a sewage holding tank is sold, the present property owner shall notify the new property owner of the DEHS requirement to obtain a new permit. DEHS shall give the new property owner written notice of the permit conditions to be completed prior to occupancy of the property.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0876 Required Agreements with District or Sewering Entity.

Nothing in this article precludes the sewerage entity or district from providing direct services, contracting with another sewerage entity or district, or contracting with a private agency to carry out the provisions of this article.

(a) That the property is within the boundaries or sphere of influence of a district or sewerage entity.

(b) That the district or sewerage entity agrees to receive the sewage and waste water from the applicant's sewage holding tank into its sanitary sewer system.

(c) That the number of sewage holding tanks permitted by the district or sewerage entity is not exceeded by the addition of the applicant's proposed sewage holding tank.

(d) That the sewerage entity or district is authorized to hold any bond required pursuant to section 33.0878 herein and to utilize the bond to render services necessary to eliminate any hazardous condition created by the applicant's sewage holding tank.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0877 Required Agreements with Property Owners.

A written agreement with DEHS covering the following shall be satisfactorily completed and signed by all property owners utilizing the proposed sewage holding tank and filed with DEHS prior to the issuance of any DEHS permit.

(a) All sewage of the property shall be discharged to the proposed sewage holding tank or to such other receptacle as approved by DEHS and the County of San Bernardino Division of Building and Safety.

(b) A written contract with a septic tank pumper shall be in effect at all times after installation to service the sewage holding tank on a regularly scheduled basis to avoid the creation of overflow, public health hazards or environmental hazards.

(c) Notification that if the property owner fails to correct any problem or fails to maintain the system at the proper level of sanitation within forty-eight (48) hours after notification by DEHS, DEHS may act, within its authority, to abate any public nuisance created by the failure to properly maintain the system.

(d) If the Regional Water Quality Control Board having jurisdiction in the area where the holding tank is located adopts rules or regulations which prohibit or curtail the use of sewage holding tanks, thereby rendering the property unavailable for occupancy, the County of San Bernardino shall be held harmless from the results of such action.

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(e) If the sewage collection lines become "available for service", as required/defined by the Regional Water Quality Control Board having jurisdiction in the area where the holding tank is located, to properties utilizing a sewage holding tank, the property owner shall connect within 90 days to the sewage collection line and abandon the sewage holding tank in accordance with the provisions of section 33.0881 of this article.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0878 Bonds.

DEHS may require a cash bond, in the amount specified in the San Bernardino County Code Schedule of Fees, to be posted with DEHS or other appropriate agency. DEHS or the appropriate agency may utilize the bond to render services necessary to eliminate any hazardous conditions created by the sewage holding tank which the property owner has failed to correct within forty-eight (48) hours of being given notice by DEHS. If the required bond amount is increased in the fee schedule, the increase in the bond amount shall be provided upon demand by DEHS.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0879 Standards.

The standards for the design criteria, location, and installation of the sewage holding tank shall be those contained within the County of San Bernardino Division of Building and Safety's handout entitled, "Guidelines for Design and Installation of Temporary Sewage Waste Holding Tanks," revised June 16, 1993, or the current edition of such publication of this jurisdiction, copies of which are on file in the office of the Clerk of the Board of Supervisors. The Division of Building and Safety shall approve all plans for the design, location and installation of sewage holding tanks.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0880 Contract with Septic Tank Pumper.

A copy of the current maintenance contract with a septic tank pumper required pursuant to Section 33.0877 herein shall be placed on file with DEHS and shall include the following terms:

(a) A minimum of one (1) inspection of the sewage holding tank per month with servicing (pumping) as necessary.

(b) That the pumper shall provide all emergency servicing required.

(c) In the event the contract is cancelled or property ownership changes, the septic tank pumper shall immediately notify DEHS of the cancellation or change in ownership.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0881 Abandonment of Sewage Holding Tanks.

If DEHS or any agency orders the abandonment of the sewage holding tank, or if connection is made to sanitary sewers, the permittee operating a sewage holding tank shall abandon the sewage holding tank. Abandonment means having the contents removed from the property by a septic tank pumper and either: (1) Removing the tank from the property; or (2) Backfilling the tank with a material acceptable to the San Bernardino County Division of Building and Safety. The abandonment operation shall be

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conducted under a valid permit from the Division of Building and Safety.

DEHS shall, upon payment by the property owner of fees per the San Bernardino County Schedule of Fees, record notice of removal of the holding tank with the County Recorder.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0882 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this article shall be as provided in San Bernardino County Code Title 3, Division 3, Chapters 1, 2, and 3 or as otherwise as provided by law.

Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);

33.0883-0889 (Reserved)

Article 5 LIQUID WASTE DISPOSAL

Sections:

- 33.0890 Purpose and Authority.
- 33.0891 Definitions.
- 33.0892 Approved Liquid Waste Disposal Systems.
- 33.0893 Permits for Alternative Liquid Waste Disposal Systems.
- 33.0894 Liquid Waste Disposal System Location Requirements.
- 33.0895 Mountain Areas.
- 33.0896 Soil Testing Requirements.
- 33.0897 Soil Testing Administration.
- 33.0898 Revocation by DEHS of Testing Privileges.
- 33.0899 Administration, Enforcement, Remedies, and Penalties.

33.0890 Purpose and Authority.

The purpose of this Article is to set forth criteria and standards for the installation of liquid waste disposal systems to minimize hazards to water quality, the public health, and safety. Pursuant to the authority cited in Chapter I of Division 3 of Title 3 of the San Bernardino County Code (Environmental Health Code), California Health and Safety Code Section 5410, et seq. (Sewage and Other Waste), Water Code Section 13520, et seq. (Wastewater Reclamation), and other applicable state law, the Board of Supervisors designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.0891 Definitions.

Definitions herein shall supplement all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

- (a) "Liquid Waste" includes the term "sewage" and means water which has

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undergone domestic use.

(b) "Mountain Areas" means those areas included within the boundaries of the San Bernardino National Forest and of the Angeles National Forest.

(c) "Seepage Pits" means a lined excavation in the ground which receives the discharge of a septic tank so designed as to permit the effluent from the septic tank to seep through its bottom and sides.

(d) "Standards" means the San Bernardino County Department of Environmental Health Services' August 1992 "On-Site Waste Water Disposal System Soil Percolation (PERC) Test Report Standards: Suitability of Lots and Soils for Use of Leachlines or Seepage Pits."

Renumbered and restated Ordinance #3105 (1986);

33.0892 Approved Liquid Waste Disposal Systems.

No person or entity shall install, utilize, or control the use of any liquid waste disposal system within this jurisdiction unless it is:

(a) A system which complies with applicable portions of the Uniform Plumbing Code as amended and adopted by this jurisdiction and complies with DEHS standards, or a system which has been approved by DEHS and the Building Authority of this jurisdiction; or

(b) An alternative liquid waste disposal system which has been approved by DEHS, the appropriate Building Official of this jurisdiction, and the appropriate California Regional Water Quality Control Board as protecting the water quality, public health, and safety.

Renumbered and restated Ordinance #3105 (1986);

33.0893 Permits for Alternative Liquid Waste Disposal Systems.

No person or entity shall install any alternative liquid waste disposal system without first obtaining a DEHS permit to do so and paying those fees to DEHS as are set forth in the Chapter 2 of Division 6 of Title I of the San Bernardino County Code.

Renumbered and restated Ordinance #3105 (1986);

33.0894 Liquid Waste Disposal System Location Requirements.

Location requirements shall be as stated in the DEHS Standards on file with the Clerk of the Board under the date of August 1992, as the same may be amended by DEHS from time to time and approved by the Board of Supervisors. All Liquid Waste Disposal Systems within this jurisdiction shall be installed only in compliance with such minimum Standards unless the conditions of a DEHS-issued permit otherwise allows.

Renumbered and restated Ordinance #3105 (1986);

33.0895 Mountain Areas.

Because of special conditions for liquid waste disposal in the mountain areas, the following standards shall apply:

(a) Those standards stated in the DEHS Standards on file with the Clerk of the Board under the date of August 1992, as the same may be amended by DEHS from time to time and approved by the Board of Supervisors, have been filed in the office of

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the Clerk of the Board. All liquid waste disposal systems in mountain areas shall be installed only in compliance with such standards unless the conditions of a DEHS permit otherwise allows.

(b) Installation of seepage pits in mountain areas of this jurisdiction is prohibited.

Renumbered and restated Ordinance #3105 (1986);

33.0896 Soil Testing Requirements.

Where insufficient data exists on file with DEHS as to soil percolation rates at the site of the proposed liquid waste disposal system, DEHS may require soil percolation testing. Testing shall be as directed by DEHS and in compliance with the current DEHS Standards on file with the Clerk of the Board, under the date of August 1992, as the same may be amended by DEHS from time to time and approved by the Board of Supervisors. DEHS may charge fees for review and/or soil percolation testing done by DEHS or its agents as set forth in Chapter 2 of Division 6 of Title I of the San Bernardino County Code.

Renumbered and restated Ordinance #3105 (1986);

33.0891 Soil Testing Administration.

Persons performing soil percolation tests for review by DEHS shall:

(a) Be registered or certified as one or more of the following:

- (1) State of California Registered Civil Engineer;
- (2) State of California Certified Engineering Geologist;
- (3) State of California Registered Environmental Health Specialist;
- (4) State of California Registered Geologist;
- (5) State of California Geotechnical Engineer.

Renumbered and restated Ordinance #3105 (1986);

33.0898 Revocation by DEHS of Testing Privileges.

Any tester may have DEHS testing privileges revoked or suspended for having lost the required State of California Registration/Certification under Section 33.0897, above.

Renumbered and restated Ordinance #3105 (1986);

33.0899 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of Chapters 1,2, and 3 of Division 3 of Title 3 of the San Bernardino County Code shall apply to this Article in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

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Article 6 DESIGNATED MAINTENANCE AREAS

33.08100 Purpose and Authority.

(a) The purpose of this Article is to establish criteria and minimum requirements for the discharge of sewage effluent from DEHS-approved on-site individual waste disposal system within Designated Maintenance Areas as listed in Section 33.08102 of this Article without endangering the public health and safety.

In enacting this Article, the Board or Council of this jurisdiction has determined that the Designated Maintenance Areas as listed in Section 33.08102 of this Article have unique topographical and hydrogeologic conditions which require the application of the provisions set forth herein in order to protect the public health, welfare, and safety.

(b) Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), California Health and Safety Code Section 15000 *et seq.* (Sewage and Other Wastes), and other applicable State law, this Board or Council designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.08101 Definitions.

Definitions herein shall supplement all definitions in Chapters I and 3 of this E.H. Code.

(a) "Owner," for the purpose of this Article only, means any person or entity who owns property, including improvements and possessory interests on U .S. Government land, from which sewage is generated or discharged. The term shall not include persons who hold a right, title, or interest in such property for security purposes only.

(b) "Sewage" means any liquid waste which may include chemicals, household waste, human excreta, animal or vegetable matter in suspension or solution, and which is discharged from a dwelling, building, or other establishment.

(c) "Waste Disposal System" means any process by which sewage is collected, treated, or disposed of by subsurface means. For the purpose of this Article, the term shall not include sewage holding tanks as defined in this Chapter.

(d) "Failing System" means a system which allows surfacing of effluent or septage, or back-up of septage toward the fixtures.

Renumbered and restated Ordinance #3105 (1986);

33.08102 Designated Maintenance Areas.

The following areas are Designated Maintenance Areas as defined by maps on file with the Clerk of the Board or Council of this jurisdiction.

(a) U.S. Forest Service Polique Canyon Tract.

(b) U.S. Forest Service Lakeview Tract.

(c) San Bernardino County Service Area No. 70, Improvement Zone S-4.

(d) San Bernardino County Service Area No. 70, Improvement Zone S-5.

(e) San Bernardino County Service Area No. 70, Improvement Zone S-6.

(f) U.S. Forest Service Pine Knot Tract.

(g) U.S. Forest Service Metcalf Creek Tract.

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- (h) U.S. Forest Service Big Bear Tract.
- (i) U.S. Forest Service Willow Glen Tract.

Renumbered and restated Ordinance #3105 (1986);

33.08103 Persons Authorized to Certify Compliance.

Any person possessing one or more of the following qualifications may certify compliance of a waste disposal system with the requirements of this Article, if such person is first registered with DEHS to do so:

- (a) State of California License as a C-42 Contractor.
- (b) State of California Registration as a Civil Engineer.
- (c) State of California Registration as a Sanitarian.
- (d) State of California Certification as an Engineering Geologist.

Renumbered and restated Ordinance #3105 (1986);

33.08104 Revocation of DEHS Authorization to Perform Certifications.

Any person authorized by DEHS to perform certification of compliance with this Article may have such authorization revoked or suspended for:

- (a) Having lost the status required under Section 33.08103 above.
- (b) Having falsified any information to DEHS on a material question. Administrative hearing procedures for the revocation or suspension of any DEHS certification authorization shall generally proceed as is set forth in Chapter 2 of this E.H. Code.

Renumbered and restated Ordinance #3105 (1986);

33.08105 Minimum Requirements.

No person or entity shall install, construct, utilize, modify, maintain, or abandon any liquid waste disposal system within designated maintenance areas of this jurisdiction except pursuant to the minimum requirements hereinafter set forth, and of the Uniform Plumbing Code as adopted and amended by this jurisdiction.

(a) Part I -- Standards Generally. The basic standards and criteria for liquid waste disposal within designated maintenance areas shall be as follows:

(1) Septic tank and leach field systems shall be the preferred method of individual on-site sewage disposal. Exceptions, modifications, and alternative systems will be considered upon petition to DEHS on a case-by-case basis.

(2) All liquid waste disposal systems shall have an initial review to determine compliance with these standards within one (1) year of the date of adoption of the same. Within three (3) years of adoption, systems shall be in compliance with these minimum standards. All failing systems shall be in compliance within thirty (30) days or less as determined by DEHS.

(3) Chemical toilets shall not discharge to on-site disposal systems.

(4) Pit privies are prohibited.

(5) Cesspools are prohibited.

(6) No new or replacement liquid waste disposal system or the discharge component of that system shall be placed or installed on land with a ground slope greater than thirty percent (30%) unless engineering data is presented to DEHS to show that no surfacing of effluents or contamination of groundwater will occur.

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(7) Percolation rates shall conform to the requirements adopted by this jurisdiction.

(8) Minimum separations shall be as follows:

(A) Septic tank to:

Water supply source 100 ft.

Buildings or structures 5 ft.

(Includes porches and steps whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walls, covered driveways, and similar structures or appurtenances.)

Perennial streams 50 ft.

Ephemeral streams 50 ft.

Large trees 10 ft.

(Any tree with a trunk diameter of one foot or more.)

Disposal field(s) 5 ft.

Private domestic water lines 5 ft.

(Building service line)

Public domestic water lines 10 ft.

(Water purveyor's line)

(B) Soil absorption system to:

Water supply source 100 ft.

Building or structures 8 ft.

(Includes porches and steps whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walls, covered driveways, and similar structures or appurtenances.)

Perennial streams 100 ft.

Ephemeral streams 50 ft.

Septic tank 5 ft.

Distribution box 5 ft.

Private domestic water line 6 ft.

(Building service line)

Public domestic water line 10 ft.

High ground water table level 5 ft.

(The highest known level to which ground water is known to have occurred rather than the level at the time when testing occurred.)

Ground surface on sloping ground 15 ft.

(When disposal fields are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall

be 15 ft.)

(9) Special Requirements.

(A) Special Soil Conditions.

(I) Percolation rates of less than five (5) minutes/inch may require substantial increases in the minimum separations normally applied.

(II) Special soil conditions may require special solutions and must be considered on a case-by-case basis by DEHS

(B) Special Discharge Conditions.

(I) Protection of special resources (drinking water supply, recreation area, etc.).

(II) Fractured rock.

(III) Other limitations requiring special solutions will be considered on a case-

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by-case basis by DEHS.

(b) Part 11 -- Review Inspections and Maintenance. All existing liquid waste disposal systems within a designated maintenance area shall be reviewed to determine compliance as follows:

(1) Categories of Initial Review and Compliance Schedules:

(A) For systems installed under permit after December 31, 1984, only a limited initial inspection will be required to determine the systems are functioning properly and not failing.

(B) For systems installed prior to 1965 and where documentation provided to DEHS substantiates compliance with current standards, only a limited initial inspection will be required to determine such systems are functioning properly and not failing.

(C) Undocumented systems shall require an on-site certification inspection by a DEHS registered inspector to substantiate compliance.

(D) Absent such foregoing review and certification, nonfailing systems shall be deemed in noncompliance and shall be upgraded to meet current standards within three (3) years after adoption of these standards.

(E) All systems shall be reviewed initially and every two (2) years thereafter by DEHS or its agents for evidence of failure. All failing systems shall be brought to code compliance within thirty (30) days or less as determined by DEHS to protect the public health and safety.

(2) When any initial limited or certification inspection is required, it shall be performed by a person registered (registrant) with DEHS for that purpose.

(3) Where only a limited initial inspection is required, the registrant shall certify the system is in compliance and acceptable for continued discharge prior to permit issuance.

(4) Initial certification inspection procedures shall include:

(A) Verification of the type of system (e.g., septic tank/leach line system).

(B) Verification that the capacity and construction of the septic tank comply with the requirements of that edition of the Uniform Plumbing Code adopted and as amended by this jurisdiction.

(C) An accurate plot plan showing the location of the liquid waste disposal system components relative to all improvements, buildings, large trees, and significant boulders and showing that the distance from banks of all perennial and/or ephemeral streams to the nearest portion of the disposal system discharge is in compliance with the requirements of the Code of this jurisdiction.

(D) Verification that all liquid waste discharges are made to an approved liquid waste disposal system.

(E) Verification that the dimensions and absorption area of the soil absorption system are per the currently adopted and as amended edition of the Uniform Plumbing Code of this jurisdiction.

(F) Data showing that separation between the bottom of the soil absorption system and the high level of groundwater is five (5) feet or greater of suitable soil.

(G) Data on special soil and discharge conditions requiring special solutions, when applicable as required by DEHS.

(5) Biennial survey inspection procedures for failing systems shall include:

(A) Review of the plot plan for any changes since the previous inspection.

(B) Inspection of the liquid waste disposal system and site to determine if the system is failing.

(C) Review of any alternate liquid waste disposal system.

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(D) At least fourteen (14) days prior notice of the survey dates by DEHS placing a legal advertisement in a local newspaper or by other suitable means of public notification.

(6) System maintenance requirements for all systems shall include:

(A) Verification submitted to DEHS prior to permit issuance or renewal indicating that the system has been pumped at least once every six (6) years and more often as required; or

(B) In lieu of pumping, an inspection of the system by a registrant at least once every six (6) years and certification to DEHS that the system does not require pumping or corrective action.

(7) Permit Requirements.

(A) All generators of liquid wastes shall possess a valid permit to do so as provided by this Article within one (1) year of the adoption of these standards.

(B) Permit applicants with systems in compliance shall be granted regular permits. Applicants with noncompliance (but nonfailing) systems shall be granted temporary permits to operate until such date that the systems are required to be in compliance.

(C) Permits shall be renewed every two (2) years. Temporary permits are not renewable.

(c) Part III -- Special Requirements for Certain U.S. Forest Service Tracts. All requirements contained within this Section 33.08105 as modified herein by Part III shall apply to the U.S. Forest Service Tracts listed in Section 33.08102 at (a), (b), (f), (g), (h), and (i). These special requirements do not apply to new construction or additions equal to or exceeding fifty percent (50%) of the floor area of the structure involved.

(1) Septic tanks serving existing structures shall be five hundred (500) gallons or more. Any replacement components to a septic system shall conform to the currently adopted edition (as amended) of the Uniform Plumbing Code of this jurisdiction.

(2) Special Considerations for Existing Structures with Limited Water Supply.

(A) Where the owner of a structure can document that piped water under pressure is not available to that structure, an alternative sewage disposal system may be approved by DEHS.

(B) Where an adequate domestic water supply is available or becomes available, the owner shall provide piped domestic water to the structure and comply with the provisions of this Section.

(3) Adverse Site Conditions for Sewage Disposal. Where adverse site conditions will not allow installation of a septic system in conformance with this Section for an existing structure, DEHS may approve an alternative sewage disposal method until such adversities cease to exist.

Renumbered and restated Ordinance #3105 (1986);

33.08106 Permits Required.

No person or entity shall install, construct, utilize, modify, maintain, or abandon any waste disposal system within the Designated Maintenance Areas except with an unexpired, unsuspended, unrevoked permit to do so from DEHS, and having paid all applicable fees to DEHS as set forth in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986);

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33.08107 Holding Tanks.

Use of sewage holding tanks within the Designated Maintenance Areas shall be in accordance with the provisions of Article 4 (Sewage Holding Tanks) of Chapter 8 of Division 3 of Title 3 of the San Bernardino County Code, as the same may be amended from time to time, or the equivalent provisions of the Code of this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.08108 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of this Article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this E.H. Code, and be in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

33.08109 Expiration Unless Extended by the Board.

The following Designated Maintenance Areas, as defined by maps on file with the Clerk of the Board, shall no longer be included as Designated Maintenance Areas after July 12, 1989, unless extended or later reinstated by action of the Board of Supervisors in public hearing:

- (a) San Bernardino County Service Area No. 70, Improvement Zone S-4;
- (b) San Bernardino County Service Area No. 70, Improvement Zone S-5;
- (c) San Bernardino County Service Area No. 70, Improvement Zone S-6;

Adopted Ordinance #3338 (1989)

33.08110 Extension of Permit Requirement.

(a) The following Designated Maintenance Areas as defined by maps on file with the Clerk of the Board, shall be reinstated as Designated Maintenance Areas until action by the Board of Supervisors to revoke, modify or continue the Designated Maintenance Areas based upon consultation with and the concurrence of the California Regional Quality Control Board, Santa Ana Region:

- (1) San Bernardino County Service Area No. 70, Improvement Zone S-4;
- (2) San Bernardino County Service Area No. 70, Improvement Zone S-5;
- (3) San Bernardino County Service Area No. 70, Improvement Zone S-6.

(b) Within these three Designated Maintenance Areas, permits will automatically be renewed for all existing permit holders. Any new applicants, qualified under Article 6 of this chapter, must apply for a permit. No fee shall be required for a renewed or new permit. All such permits will expire on the date provided for expiration of this section.

Adopted Ordinance #3343 (1989);

33.08111-08119 (Reserved)

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Article 7 OPERATION OF MULTIPLE OWNERSHIP SEPTIC SYSTEMS

33.08120 Purpose.

It is the intent of this Article to ensure that multiple ownership septic systems serving two (2) or more dwelling units are operated and maintained by qualified personnel, and that such operation and maintenance is provided as needed, to prevent a public nuisance or threat to public health or degradation of water quality from occurring. The provisions of this Article shall not apply to any existing industrial or commercial multiple ownership septic systems, except that the provisions of this Article as in effect prior to January 1, 1986, shall be applicable to any systems for which an application for permit had been made prior to January 1, 1986.

Renumbered and restated Ordinance #3105 (1986);

33.08121 Authority.

Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), California Health and Safety Code Section 15000 et seq. (Sewer and Other Waste), and as otherwise provided by law, the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.08122 Definitions.

Definitions herein shall supplement those in Chapters I and 3 of this E.H. Code, except that for purposes of this Article:

(a) "Dwelling Unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as the primary use of the building, for not more than one (1) family.

(b) "Multiple Ownership Septic System" means a multiple-use septic system which services two or more dwelling units even if the ownership of the system is not equal.

(c) "Owner" means any person or entity who owns property, including improvements and possessory interests on U.S. Government land, from which sewage is generated or discharged and includes a homeowners' association incorporated to manage the affairs of a group of property owners with interests in one (1) or more common Septic systems. The term does not include a person or entity who holds right, title, or interest in such property for security purposes only.

(d) "Public Nuisance" shall be as defined at California Civil Code Section 3479 et seq., Penal Code Section 370, and Sections 33.032(a)(5) and (12) of this E.H. Code.

(e) "Public Operating Agency" means any public agency which assumes responsibility for the physical operation, maintenance, and/or repair of septic systems regulated by this Article.

(f) "Septic System" means a sewage disposal system consisting of a septic tank and a soil absorption system which conforms to the codes of this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

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33.08123 Ownership and Control.

Multiple ownership septic systems shall be owned, operated, and maintained by a property owners' association or homeowners' association which has been incorporated under the laws of the State of California and has complied with the requirements of this Article.

Renumbered and restated Ordinance #3105 (1986);

33.08124 Conditions, Covenants, and Restrictions (C. C. & R.'s).

The C.C.&R.'s of each property owners' association or homeowners' association shall include DEHS-approved provisions for obtaining and collecting from the membership, any funds necessary for operation, maintenance, and repairs to their septic system. Proposed C. C. & R.'s shall be reviewed and approved by DEHS before becoming effective. No changes in any DEHS-approved C. C. & R.'s shall be made until proposed changes have been approved by DEHS.

Renumbered and restated Ordinance #3105 (1986);

33.08125 Types of Permits.

(a) Development Permit. For the purpose of satisfying conditions of approval as may be adopted by the Planning Commission or the Board or Council of this jurisdiction, DEHS may issue a permit to the developer of a project subject to the terms of this Article. This permit shall be valid for the term of the planning approval process, the construction of the project, and for six (6) months following the issuance of a satisfactory final inspection notice by the Building and Safety Authority, or upon activation of the association required by Section 33.08123, whichever comes first.

(b) Operating Permit. Following the termination of the Development Permit, if any, a multiple-owned septic system subject to this Article shall only be operated under an annual permit from DEHS issued to an owner and renewed upon the determination that the facility is in compliance with the requirements of this Article. If property is developed in different phases according to development plans, one (1) permit shall be required for the first phase, and additional permits shall be required for any subsequent phase not covered by the first permit.

Renumbered and restated Ordinance #3105 (1986);

33.08126 Requirements For DEHS Permits.

No person or entity shall construct, install, modify, own, operate, or maintain any multiple ownership septic system to which this Article applies without first holding unexpired, unsuspended, unrevoked development and operating permits to do so from DEHS and having paid fees to DEHS as specified in the San Bernardino County Code Schedule of Fees, and unless currently has:

(a) Posted bonds as security for the proper installation and functioning of the system as follows:

(1) Preliminary Bond. A preliminary bond shall be placed with DEHS in the form of a passbook account which has been assigned to DEHS by means of a properly executed agreement form provided by DEHS and in an amount determined by DEHS, but not less than five thousand dollars (\$5,000), prior to issuance of a development permit. Following the issuance of the operating permit, DEHS shall terminate its

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assignment of this passbook account and release the balance to the person(s) named in the passbook.

(2) Operating Permit Bond. A cash bond shall be provided by the responsible association in an amount determined by DEHS, but not less than five thousand dollars (\$5,000), prior to issuance of an operating permit. The amount of the bond shall be returned to the association upon termination of the permit and the need, as defined by this code, for the operating permit.

(3) Bond Amounts. Bond amounts shall be set by DEHS and may be established on the basis of five percent (5%) of a California Registered Civil Engineer's estimate of installation of the septic system(s) or five thousand dollars (\$5,000), whichever is the greater amount.

(b) Obtained DEHS review and approval of the septic system design and specifications prior to the commencement of construction, and has obtained DEHS inspections and approval at the completion of each construction phase.

(c) Satisfied all DEHS operating permit conditions for the purpose of protecting public health and water quality and agreed to by the permittee at the issuance of an operating permit and prior to any changes being made in the terms of the permit. Conditions which may be included are:

(1) Periodic monitoring and submission of test results to DEHS.

(2) Quantity limitations to a specific septic system or systems;

(3) Notification to DEHS of the names of these officers of the association and others overseeing the operation and maintenance of the system. Telephone numbers and addresses for routine contacts and emergency use shall be included;

(4) Waste discharge requirements, or portions thereof, issued to the permittee by the Regional Water Quality Control with jurisdiction;

(5) Any other conditions which are necessary due to the circumstances of the discharge; and

(6) Statement as to what land or property is subject to placement of a lien or liens against the property should such be necessary in accordance with Section 33.08131 of this Article.

(d) Obtained and passed the DEHS-required annual inspection. Each septic system for which a multiple ownership permit is required shall be inspected each year and the permit holder shall submit proof of that inspection with the renewal application. Only persons qualified under Article 6 (Designated Maintenance Areas), Section 33.08103 of this Chapter shall inspect and certify to DEHS that the system is adequate, in good repair, and working order.

(e) Notified DEHS when a change is proposed in the number of total available services, type of facility served, change in ownership, or any other changes which affect the septic system, the discharge, or the permit to operate.

(f) Where an applicant or permittee is required by another regulatory agency to have a public entity as an operating agency, such applicant or permittee has secured the agreement and services of an operating agency to assume such responsibilities as may be required by such regulatory agency. Where a public operating agency has assumed operational responsibilities, no permit pursuant to this Article shall be required for operation of the septic system(s).

Renumbered and restated Ordinance #3105 (1986);

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33.08127 Existing DEHS Operating Permits.

Any DEHS operating permit issued prior to January 1, 1986, shall be subject to the provisions of this Article that were in effect when such a permit was issued, and not subject to any such provisions first coming into effect on January 1, 1986. This shall be the case only so long as such a permit is continuously renewed prior to expiration and no applicable provisions of this code or conditions of the permit are violated. After the latter event, the current provisions of this Article shall be applicable and enforced as to the permitted facility.

Renumbered and restated Ordinance #3105 (1986);

33.08128 Public Sewering Entity.

Where an existing public entity with sewerage powers has authority or has a sphere of influence over a site for which a permit to operate a septic system is requested, the following shall apply:

(a) DEHS shall notify the entity of the application for a permit and shall not issue a permit until concurrence is received from the entity.

(b) If requested by the entity, DEHS shall revoke a permit to operate a septic system in order to facilitate connection of the developed property(ies) to the entity's sewerage system.

Renumbered and restated Ordinance #3105 (1986);

33.08129 DEHS Contracted Services.

DEHS may contract with, or otherwise make arrangements to have, persons with special expertise or qualifications to perform services, such as plan review or inspections or provide consultation on technical matters concerning any septic system(s) subject to this Article. The applicant or permittee shall reimburse DEHS for such expenditures.

33.08130 Placement of Utilities.

(a) Easements. Easements for placement of utilities shall be designated and subject to review and approval by DEHS to assure compliance with all applicable codes.

(b) Separations. Separations of domestic water lines and all sewerage lines and appurtenances shall conform to the California Administrative Code, Title 22, "California Waterworks Standards."

(c) Placement of Easements. Easements shall be placed so that they are fully accessible and are not restricted by placement of structures, other easements with conflicting uses, or other factors which inhibit or delay necessary repair activities or accessibility.

(d) Location of Absorption System. Soil absorption systems shall not be located under public or private roads. Private roads do not include off-street parking areas or the approach driveway to individual lots or spaces.

Renumbered and restated Ordinance #3105 (1986);

33.08131 Compliance Procedures, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. If DEHS makes a determination that a sewerage system is not in compliance with the

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requirements of this Article, DEHS shall make a demand of the owner(s), and any other person known to be occupying or using the real property, to correct such noncompliance. This demand shall consist of a reasonable effort, including personal service, or posting the property, or government mail service, according to the availability of the person(s) to whom the notice is to be given and the practicality of the method chosen, to reach such person. Personal service shall not be required, but mailed notice to the surety of any posted bond shall be given. If at forty-eight (48) hours after the effort to give notice to all such parties is made, the noncompliance has not been corrected, the Director of DEHS may declare the posted bond forfeited and make such arrangements as are necessary to abate the public nuisance caused by the offending septic system. The forfeited bond shall be the source of funds drawn upon by DEHS to defray the actual cost to DEHS of any abatement action to correct the offending septic system. If such funds are not available for any reason or are insufficient, or there is a default or dishonoring, DEHS may act pursuant to Section 33.0311 et seq. of Chapter 3 (Public Nuisance Abatement) of this E.H. Code to recover its cost, including a lien attaching to real property for unrecovered costs.

(b) Except as provided herein, in addition to the foregoing, all remedies/ penalties and other provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

33.08132-08140 (Reserved)

Article 8

STORAGE OF MANURE AND COMMERCIAL FERTILIZER OPERATIONS (CFO)

33.08141 Statement of Purpose and Authority.

This Article provides minimum standards for the storage of manure and commercial fertilizer operations (CFO), to protect the public health and safety. Pursuant to the authority cited in Chapter 1 of this Environmental Health Code (E.H. Code), Government Code Section 66700 et seq. (Solid Waste Management and Resources Recovery Act), Administrative Code Title 14 Section 17200 et seq. (Solid Waste Management Standards), and other applicable State law, this Board/Council authorizes the Department of Environmental Health Services (DEHS) of the County of San Bernardino to administer the provisions of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

33.08142 Definitions.

Definitions herein shall supplement all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

(a) COMMERCIAL FERTILIZER OPERATION (CFO) shall be the storage, stockpiling, drying, mechanical processing, packing or stacking of manure in substantial quantities.

(b) MANURE is animal excrement or livestock excreta. "Manure" does not include waste ("paunch") from the alimentary canal of cows, horses, sheep, goats, pigs or other animals.

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Renumbered and restated Ordinance #3105 (1986);

33.08143 Prohibition of Manure Storage Upon the Premises Where Manure is Produced.

No person shall store manure in piles, stacks or heaps, for more than one hundred twenty (120) days unless prior written approval is obtained from DEHS. Requests for time extension shall be made in writing to DEHS and state why an extended period is necessary and the number of days requested.

In responding to such requests, DEHS shall balance the potential hardship to the public and neighboring properties in granting an extension, with the potential hardship to the petitioner in complying with the one hundred twenty (120) day rule.

Renumbered and restated Ordinance #3105 (1986);

33.08144 Permits Required for CFO.

No person shall construct, own or operate a commercial fertilizer operation (CFO) without first obtaining written approval from the Office of Planning of this jurisdiction, other appropriate permits from regulatory agencies, DEHS, and paying fees to DEHS as set forth in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986);

33.08145 Enforcement Activities.

Enforcement activities shall generally proceed as set forth in Chapters 1, 2, and 3 of this E.H. Code, and relevant State law pertaining to manure storage and CFO.

Renumbered and restated Ordinance #3105 (1986);

33.08146 Construction and Operational Requirements.

The following shall be provided and made conditions of each CFO permit issued by DEHS:

(a) Completed and detailed plans showing CFO contours at two foot (2') elevations shall be submitted with each application showing all details of the storage and/or processing operations incorporating all items required by this Section.

(b) All CFO driveways and employee parking areas shall be adequately dust proofed.

(c) There shall be no manufacturing or chemical additives on the CFO premises.

(d) Inorganic chemical additives shall be limited to ten percent (10%) of the total CFO raw material inventory.

(e) The CFO installation and operation shall comply with the rules, regulations and orders of all appropriate regulatory agencies including Air Pollution Control Districts and the Regional Water Quality Control Boards.

(f) The CFO stockpiling area shall be enclosed by a six foot (6') high chain link fence which will be screened, planted with globular eucalyptus or similar plant material, on six foot (6') centers; or equivalent upon review and approval by DEHS and the Office of Planning for this jurisdiction.

(g) Except for the stockpiling of raw materials, all CFO operations including: screening, grinding, mixing, adding, and sacking shall be confined wholly inside a building.

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(h) All CFO stockpiling areas shall confine their rainstorm runoff waters so they do not drain onto adjoining properties.

(i) CFO stockpiling shall be shaped to one-to-four (1:4) minimum slope to minimize the area subject to rainfall.

(j) Appropriate facilities shall be installed to collect or divert drainage from surrounding lands, away from the stockpile areas.

(k) CFO stockpiles shall be at least one hundred fifty feet (150') from the front street centerline and thirty-five feet (35') from side and rear property lines.

(l) CFO stockpiles shall not exceed a height of twenty-five feet (25'). DEHS may require a lesser height so that the stockpile will not cause a nuisance to neighboring properties.

(m) CFO stockpiles and/or processing of manure shall not occur within one hundred fifty feet (150') of a milking barn or milk house of a producer dairy, or a dwelling on adjoining property. DEHS may require greater distances upon determining the direction and magnitude of prevailing winds at the site.

(n) Noise levels from the CFO shall not exceed local ambient levels found in general agricultural uses, to adjoining occupied residences.

(o) Vehicles carrying CFO materials shall be adequately covered to confine the contents and prevent materials from being windblown or otherwise scattered.

(p) No public nuisance shall occur as a result of the CFO. DEHS shall abate all CFO dust, odor, noise, attracting or breeding of flies or other vermin, and other public nuisances as set forth in Chapter 3 (Public Nuisance Abatement) of this E.H. Code.

Renumbered and restated Ordinance #3105 (1986);

33.08147 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of this Article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this E.H. Code, and be in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

Article 9 OUT-OF-COUNTY REFUSE

Sections:

- 33.08150 Findings and Determinations.
- 33.08151 Discharge of Out-of-County Refuse.
- 33.08152 Posting of Restriction.
- 33.08153 Penalty.

33.08150 Findings and Determinations.

33.08150 Findings and Determinations.

The Board of Supervisors finds and determines that:

(a) (1) County refuse disposal sites generally located in the mountain and some portions of the desert areas of the County are maintained and operated primarily through land use fees paid by the residents of these areas.

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(2) Refuse from outside the county has historically been discharged at some of these sites in sufficient quantities to substantially increase the ongoing costs of operation and maintenance of the sites while concurrently shortening the usable life of the sites.

(3) There are limited feasible and economically viable methods available to collect fees for disposal of out-of-county refuse at these sites and, to the extent such methods exist, they do not protect the existing capacity of the County Solid Waste Disposal System.

(b) (1) County refuse disposal sites located in the valley area and the balance of the desert area of the County are financed through fees received upon delivery to a site determined by weight of the refuse.

(2) Rapid development of the valley area has created a historic shortage of landfill capacity in the valley area. While expansion of the capacity within the County's Disposal Systems has currently alleviated this problem to a certain extent, the continued rapid development of the valley and desert is expected to continue which, in turn, will continue to exert pressure on the landfill capacity within the County's Solid Waste Disposal System.

(3) It is necessary to manage the valley and desert area waste stream and the acceptance for disposal of waste generated outside of the County in order to achieve optimum life of the disposal sites within the County's Solid Waste Disposal System.

(4) Discharge of unlimited waste originating out of County shortens landfill life and effects (and if unchecked, impedes) short- and long-range planning of waste disposal.

(c) The small remote community of Wrightwood in Los Angeles County bordering the County of San Bernardino near the Phelan Transfer Station is geographically, historically, and uniquely dependent on the Phelan Transfer Station (and previously the Phelan Disposal Site) for its disposal service and the County of San Bernardino is currently capable of supplying this minimal service. Likewise, although a portion of the Joshua Tree National Monument is situated in Riverside County, refuse collected in the Monument has historically been taken to the Twentynine Palms Disposal Site (now to the Twentynine Palms Transfer Station which replaced the Disposal Site) for disposal; the County of San Bernardino is currently capable of supplying this minimal service.

(d) The exportation of refuse generated by several west valley cities located in San Bernardino County to landfills located outside of this County has created unused, and therefore excess, capacity at the Colton Landfill and has also created the possibility that the remaining capacity of the Colton Landfill will not be utilized in the most operationally efficient manner. Operational inefficiency will result in higher costs of operation and, given a fixed solid waste disposal fee, correspondingly less revenue for system liabilities. Refuse collected by haulers serving communities outside of San Bernardino County could be disposed at the Colton Landfill, offsetting the loss of the refuse resulting from the exportation of the refuse from certain west valley cities. Accepting such refuse for disposal at the Colton Landfill will help insure sufficient daily refuse to help insure the efficient operation of the Colton Landfill. The County of San Bernardino is capable of supplying this minimal service, since it will help insure the efficient utilization of the remaining capacity of the Colton Landfill by replacing refuse lost to exportation.

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(e) The exportation of refuse generated by several west valley cities located in San Bernardino County to landfills located outside of this County, together with the expansion of landfilling capacity within the County's Solid Waste Disposal System, has created some excess capacity within the County's Solid Waste Disposal System. Limited amounts of refuse collected by haulers serving communities outside of San Bernardino County could be disposed of within the County's Disposal System, in part offsetting the loss of the refuse resulting from the exportation of the refuse from certain west valley cities and also helping to supply the funds necessary to continue the efficient and environmentally appropriate operation of the County's Solid Waste Disposal System. The County of San Bernardino is currently capable of supplying a limited amount of disposal service for out of County generated waste, with that amount being determined and controlled through the County's discretion in entering into written contract(s) setting out the amount of out of County waste which may be disposed, the disposal facility at which such waste can be disposed and the fee to be paid for such disposal.

**Amended Ordinance #3145 (1987); Amended Ordinance #3396 (1990);
Amended Ordinance #3471 (1991); Amended Ordinance #3553 (1993);
Amended Ordinance #3711 (1998); Amended Ordinance #3931 (2004);**

33.08151 Discharge of Out-of-County Refuse.

It shall be unlawful for any person to discharge at any County refuse disposal site any matter of any kind whatsoever the source of which is outside of San Bernardino County, except:

(a) that persons residing in dwellings within that area of Los Angeles County described below and known as the Wrightwood Community may discharge solid waste at the Phelan Transfer Station on payment of fees specified in Section 16.0222(j) of the San Bernardino County Code.

Service area description: Swallow Hill Drive, Logwood, Red Start, Blue Jay, Bobolink, Rapid Grove, Timberline Drive, Raven, Cardinal Road and Flume Canyon (the foregoing constituting all of the roads in the Wrightwood Community).

(b) that the refuse hauler serving the Joshua Tree National Monument may discharge solid waste collected in the portion of the Monument located in Riverside County at the Twentynine Palms Transfer Station on payment of all fees applicable to the discharge of such solid waste (determined as though such solid waste was generated in San Bernardino), as specified in Section 16.0222 of the San Bernardino County Code.

(c) that refuse haulers (including operators of transfer stations, material recovery facilities or like facilities) or refuse generators may discharge solid waste generated in Counties other than San Bernardino County at facilities within the County Solid Waste Disposal System, if and only to the extent provided for in a written contract entered into with the County allowing for such disposal, on payment of all fees applicable to the discharge of such solid waste, as specified in Section 16.0222 of the San Bernardino County Code (including as specified in the required written contract).

(d) in no event, however, will any solid waste generated outside of San Bernardino County be accepted for disposal at any County landfill or other disposal site, to the extent that the disposal of such waste would violate the provisions of Public Resources Code section 41903.

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**Amended Ordinance #3148 (1987); Amended Ordinance #3230 (1988);
Amended Ordinance #3376, (1990); Amended Ordinance #3396 (1990);
Amended Ordinance #3471 (1991); Amended Ordinance #3711 (1998);
Amended Ordinance #3931 (2004);**

33.08152 Posting of Restriction.

Each entrance to County sites shall be posted by a sign of such size and appearance as to give notice of the use restriction contained in this Chapter.

**Amended Ordinance #3145 (1987); Amended Ordinance #3396 (1990);
Amended Ordinance #3471 (1991); Amended Ordinance #3553 (1993);
Amended Ordinance #3711 (1998);**

33.08153 Penalty.

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor which upon conviction thereof shall be punishable by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment in the County jail for a period not exceeding six (6) months or by both such fine and imprisonment.

**Amended Ordinance #3145 (1987); Amended Ordinance #3396 (1990);
Amended Ordinance #3471 (1991); Amended Ordinance #3553 (1993);
Amended Ordinance #3711 (1998);**

Article 9.5

Sections:

33.08155 Prohibition on Acceptance at or Delivery of Waste or Related Material to an Unauthorized Facility; Definitions; Application of Prohibition.

33.08156 Authority.

33.08157 Penalty.

33.08158 Severability

33.08155 Prohibition on Acceptance at or Delivery of Waste or Related Material to an Unauthorized Facility; Definitions; Application of Prohibition.

(a) No person shall accept Waste or Related Material at or deliver Waste or Related Material to an Unauthorized Facility.

(b) As used in this Article 9.5, the following words shall have the following meanings.

(1) Facility. A facility is any property (including solely developed real estate, solely undeveloped real estate and real estate which is in part developed and in part undeveloped), regardless of its nature of ownership or the nature of the right giving rise to its use, which is being used as a place for the acceptance, delivery and/or Processing of Waste or Related Material.

(2) Governmental Approval. Governmental Approval means any permit, license, authorization or land-use approval required under Federal State or local law (including regulation) to be obtained from the Federal, State or local government in order for a Facility to accept Waste or Related Material of the type being accepted and/or for the Processing of the Waste or Related Material being accepted in the manner it is being

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processed.

(A) A Governmental Approval includes, but is not limited to, a Solid Waste Facility Permit (Public Resources Code Sections 40000 et seq.), a permit from an Air Board, a Waste Discharge Requirement, a building permit, a General Plan Land Use District Amendment, a Conditional Use Permit or other land use approval.

(B) In order for such permit, license, authorization or land-use approval to be considered valid for the purposes of accepting and/or delivering waste or related material within the meaning of this Article 9.5:

(i) it must be issued either with respect to the facility (e.g., land-use approval) or, where applicable, to the facility operator with respect to the facility (e.g., a Solid Waste Facility Permit);

(ii) It must be issued with respect to the type of waste or related material being delivered, accepted and/or processed;

(iii) it must be issued with respect to the type of processing the waste or related material is being subjected to at the facility; and

(iv) it must be current and not subject to any suspension or other regulatory or judicial process which impairs the right of the operator of the facility to accept or perform processing on the waste or related material sought to be delivered to the facility.

(3) Processing. Processing involves any use, consumption, containerization, storage or disposal of waste or related material at the facility, including, but not limited to, its use, consumption, containerization, storage or disposal in: manufacturing; fabricating; construction; operation of a vermicomposting or vermiculture facility; or (within the meaning of Public Resources Code sections 40000 et seq.) the biomass conversion, composting, disposal, processing, recycling, source reduction or transformation of solid waste, recyclable material or green waste.

(4) Unauthorized Facility. An unauthorized facility means a facility which does not possess a governmental approval for either or both:

(A) accepting waste or related material of the type being delivered and accepted at the facility; or

(B) processing the waste or related material being delivered and accepted in the manner it is being processed at the facility.

(5) Waste or Related Material. Waste or related material means solid waste as defined in Public Resources Code section 40191, recyclable material and green waste, whether or not the recyclable material and green waste are source separated or otherwise segregated from other waste material, hazardous waste (as defined in Public Resources Code section 40141) and medical waste (as defined in Health and Safety Code section 25023.2).

(c) The provisions of this chapter shall apply to acceptance and delivery of waste or related material to an unauthorized facility:

(1) Located wholly within the unincorporated portion of San Bernardino County;
or

(2) Located such that the waste or related material is being delivered, accepted or being subjected to processing (or any combination of the foregoing) on a portion of the unauthorized facility which is within the unincorporated portion of San Bernardino County.

Adopted Ordinance 3683 (1997);

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33.08156 Authority.

Pursuant to the authority cited in Chapter 1 of Division 3 of Title 3 of the San Bernardino County Code and other relevant State and local law, the San Bernardino County Board of Supervisors authorized the Chief of the County Fire Department (CFD) or the Chief of the Division of Environmental Health Services (DEHS) of the Public Health Department and the Enforcement Officers of the CFD or the DEHS of the County of San Bernardino to enforce the provisions of this Article 9.5 within this jurisdiction. Such authority includes the right to enter land for investigation, posting or serving notice, or to cause abatement of public nuisances.

Adopted Ordinance 3683 (1997);

33.08157 Penalty

It shall be unlawful for any person to violate any provision of this Article 9.5. In addition to those listed herein or elsewhere provided by law, all enforcement procedures, remedies and penalties of San Bernardino County Code Chapter 1 of Division 3 of Title 3 (Authority and Administration) shall apply to this Article 9.5 and violation of any provision of this Article 9.5

Adopted Ordinance 3683 (1997);

33.08158 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Article 9.5 is for any reason held to be invalid, preempted or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article 9.5. The Board of Supervisors of the County of San Bernardino hereby declares that it would have adopted the ordinance establishing this Article 9.5 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, or portion may be declared invalid, preempted or unconstitutional.

Adopted Ordinance 3683 (1997);

Article 10

Sections:

- 33.08160 Reverse Vending Machines (RVM) Purpose and Authority.
- 33.01861 Definitions.
- 33.08162 Permits Required for RVM.
- 33.08163 Installation and Operation Requirements.
- 33.08164 Administration, Enforcement, Remedies, and Penalties.
- 33.08165-33.08169 (Reserved).

33.08160 Reverse Vending Machines (RVM) Purpose and Authority.

This Article provides minimum standards for the establishment and maintenance of reverse vending machines (RVM).

Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), Public Resources Code, Section 14500 *et seq.*, and as elsewhere provided in

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State law, this jurisdiction designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article and of the applicable laws and regulations related to reverse vending machines (RVM).

Adopted Ordinance 3683 (1997);

33.08161 Definitions.

Definitions herein shall supplement all definitions in Chapters 1 and 3 of this Environmental Health Code.

(a) Reverse Vending Machine(s).

(1) A "Reverse Vending Machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A Reverse Vending Machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of Reverse Vending Machines may be necessary.

A Bulk Reverse Vending Machine is a Reverse Vending Machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

Adopted Ordinance 3683 (1997);

33.08162 Permits Required for RVM.

No person shall make RVM available for public use without first obtaining a health permit for each RVM and paying fees to DEHS as set forth in the San Bernardino County Code schedule of fees. RVM facilities having an area greater than fifty (50) square feet shall not be placed or made available to the public without the owner or operator first obtaining special use permits and/or site approval as set forth in Title 8 of the San Bernardino County Code, or elsewhere in the development code of this jurisdiction.

Adopted Ordinance 3683 (1997);

33.08163 Installation and Operation Requirements.

The following shall be conditions of each RVM health permit issued by the Department of Environmental Health Services (DEHS). Each RVM shall:

(a) Be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building, and fire codes of this jurisdiction.

(b) Not occupy parking spaces required by the primary use.

(c) Not occupy more than fifty (50) square feet of floor space per installation, including any protective enclosure, and be no more than nine (9) feet in height, unless such RVM complies with the Site Approval and/or Special Use Permit requirements established by Title 8 of this Code.

(d) Be constructed and maintained with durable waterproof and rustproof material.

(e) Be clearly marked to identify the type of material to be deposited, operating

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instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(f) Have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.

(g) Be maintained in a clean, litter-free condition on a daily basis.

(h) Have operating hours at least those of the host location or structure.

(i) Be illuminated to ensure comfortable and safe operation where operation between dusk and dawn.

(j) Issue a cash refund or a redeemable credit slip with a value of at least equal to the container's redemption value as determined by the State.

(k) Not sort or process containers unless the entire process is enclosed within the machine.

(l) Not create a public nuisance as set forth in Chapter 3 (Public Nuisance Abatement) of this Environmental Health Code.

Adopted Ordinance 3683 (1997);

33.08164 Administration, Enforcement, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of this Article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this E.H. Code, and be in addition to all others provided by law.

Adopted Ordinance 3683 (1997);

33.08165-33.08169 (Reserved)

Article 11 LANDSPREADING OF SLUDGE

Sections:

33.08170 Purpose.

33.08171 Definitions.

33.08172 Approvals.

33.08173 Filing for Department Approval.

33.08174 Application Form.

33.08175 Standards.

33.08176 Substitute Standards.

33.08177 Violations, Remedies, and Penalties.

33.08178 (Reserved.)

33.08179 (Reserved.)

33.08180 Purpose and Authority.

33.08181 Legal Defense Fee Responsibility

33.08170 Purpose.

(a) This article is to prevent public health hazards, surface and ground water pollution, and contamination of food-chain products by improper landspreading of sludges. Sludges may contain heavy metals, pathogenic organisms, and chemical pollutants and heretofore have not been regulated other than by "guidelines" prepared

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by the State Department of Health Services. To prevent large importations of sludges to critical ground water basins and food production areas, this article provides local control and assures that safe landspreading practices will be observed.

(b) This Board designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for purposes of this article within this jurisdiction.

Adopted Ordinance #3260 (1988);

33.08171 Definitions.

The following definitions shall be applicable to the provisions in this article.

(a) "Dairy" is any place or premises upon which milk or milk products are produced for sale or distribution and where more than two (2) cows or six (6) goats are in location.

(b) "Hydrogeologic Report" is a report submitted to satisfy the requirements of this article and shall comply with minimum standards set forth by this Code.

(c) "Institutions" as used in the article shall be those permanent facilities such as schools, hospitals, day care centers, convalescent care centers, religious, fraternal, recreational facilities and related places where substantial groups of people could be impacted by obnoxious odors and airborne microorganisms or chemicals from landspreading.

(d) "Landspreading" is the use or disposal of sludge within six (6) inches of the land surface, or, in the case of land used for production of agricultural food-chain crops, within three (3) feet of the land surface.

(e) "Public Water Supply Water Well" shall mean a water well used to supply water for domestic purposes in systems supplying domestic water to users and shall include noncommunity water systems and state small water systems. Such wells are variously referred to as municipal wells, city wells or community water supply wells.

(f) "Sludge" is any solid, semisolid, or liquid waste containing human fecal matter and/or other high concentrations of putrescible organic material, generated from a municipal or community sewage treatment plant, industrial process, or septic system. "Sludge" does not include sewage effluent or, for the purposes of this article, commercially bagged sludge products intended for home landscaping use.

Adopted Ordinance #3260 (1988);

33.08172 Approvals.

It shall be unlawful for any person to landspread sludge whether for purposes of fertilizing or amending soils or for disposal of the sludge without first applying for and obtaining approval from the DEHS.

Adopted Ordinance #3260 (1988);

33.08173 Filing for Department Approval.

Each applicant shall complete an application form prepared by the DEHS for landspreading of sludge and file that application, including the fee required by §16.0213B, et seq., of this Code, with the DEHS. Landspreading shall not commence until DEHS issues written approval for that application.

Adopted Ordinance #3260 (1988);

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33.08174 Application Form.

The DEHS application form shall include the following:

(a) Name and address of the owner(s) and manager(s) of the entity making application including any "doing business as (DBA)", fictitious name(s), or corporate name(s).

(b) Property owner, address, Assessor's Parcel Number, location of the property where the landspreading is proposed.

(c) Name, address, and written approval (signed contract) of property owner(s) where landspreading is proposed.

(d) Name and address of contiguous property owners where the landspreading operation is proposed.

(e) Verification that all standards are met as set forth in §33.08175 of this Code.

(f) Any other supplemental information reasonably required by the DEHS at the time of submission relevant to the particular circumstances stated in the application.

Adopted Ordinance #3260 (1988);

33.08175 Standards.

The following standards shall be considered as minimum requirements to be met when the DEHS reviews for approval a landspreading proposal. The DEHS may with cause increase these minimum standards for the protection of the public health and surface and ground water resources. These standards are:

(a) Filing of an analysis of the sludge, not more than one (1) year old, prepared by a qualified California Department of Health Services Certified Laboratory which lists concentrations of all heavy metals of concern, including cadmium, copper, nickel, lead, chromium and zinc, nitrogen content (total Kjeldahl nitrogen and ammonium), selected organic compounds, pH, solids content, and any other constituents as determined by the DEHS at the time of application submission. The applicant shall certify that the sample of sludge tested for the analysis mentioned here was a composite sample of the type of sludge, and a true sample of the sludge, that will be handled under the applied-for approval.

(b) Certification by the applicant that the following minimum separations from the landspreading shall be met:

- (1) Operating dairy with lactating cattleOne-half (1/2) mile
- (2) Any public water supply wellOne-half (1/2) mile
- (3) Any residence(s) other than that of the property owner 500 feet
- (4) Any institution 500 feet
- (5) Any live stream, lake or surface impoundmentOne-half (1/2) mile
- (6) Produce farms, vegetables, fruits and other crops for human consumption 500 feet

(c) Statement by the property owner as to whether any application of sludge has been made to the property proposed for landspreading within the past ten (10) years. If yes, then a current analysis of the soil and/or plant growth from the proposed landspreading area as directed by the DEHS.

(d) Copy of the most recent National Pollution Discharge Elimination System (NPDES) or waste discharge requirements (WDR) permit from the California Regional Water Quality Control Board with jurisdiction for the facility(ies) and discharges approving the sludge to be landspread.

(e) The proposed rate in tons per acre at which the landspreading is to be made.

(f) The material(s) which may be mixed with the sludge before, during, or after

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landspreading and in what proportions. The Department of Environmental Health Services may make requirements for additional information concerning content, storage, and handling of such materials as it shall deem necessary.

(g) A hydrogeologic report certificated by a California registered engineer or certified engineering geologist qualified under the California Business and Professional Code for preparation of such a report that the application of the sludge to include any additives does not violate current federal, state, or local standards or guidelines. Required items shall include:

- (1) Depth(s) to ground water (present and historic).
- (2) Ambient ground water quality.
- (3) Information concerning perennial stream(s), lake(s), or surface impoundments within one-half (1/2) mile of the proposed landspreading site and the anticipated impact to water resources resulting from the proposed landspreading operation.
- (4) Other requirements may be made by DEHS at the time of application submission.

Adopted Ordinance #3260 (1988);

33.08176 Substitute Standards.

Where the appropriate California Regional Water Quality Control Board with jurisdiction at the point of discharge has issued either a NPDES or WDR permit with requirements equal to or greater than those of this Code, DEHS may, upon receipt of such verification from that Board's executive officer that the standards are met, waive the requirement for DEHS application review.

Adopted Ordinance #3260 (1988);

33.08177 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this article. Violations of this article shall be misdemeanors. All other administration, enforcement, remedies, and penalties as to this article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this County Code, and otherwise as provided by law including §33.017 -- Interference unlawful/criminal penalties for -- of Chapter 1.

Adopted Ordinance #3260 (1988);

33.08178 (Reserved).

33.08179 (Reserved).

Article 12 SOLID WASTE FACILITY PERMITS

Sections:

33.08180 Purpose and Authority

33.08181 Legal Defense Fee Responsibility

33.08180 Purpose and Authority.

The purpose of this Article is to establish locally adopted procedures for carrying out

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a permit and inspection program for solid waste facilities. Public Resources Code Section 43209 authorizes the Local Enforcement Agency (LEA) to adopt an enforcement program consisting of regulations necessary to implement the permitting and inspection of solid waste facilities and to establish specific local standards for solid waste handling and disposal, including a description of the locally adopted procedures for carrying out the solid waste facilities permit and inspection program. Public Resources Code Section 44014 provides that each county may determine aspects of solid waste handling which are of local concern, including, but not limited to, charges and fees.

Adopted Ordinance #3550 (1993);

33.08181 Legal Defense Fee Responsibility.

As a condition of approval of a solid waste facilities permit, or an exemption pursuant to California Code of Regulations, Title 14, Section 18215, the applicant shall agree to defend, indemnify, and hold harmless the County of San Bernardino and its agents, officers and employees from any claim, action, or proceeding against the County of San Bernardino or its agents, officers or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the solid waste facilities permit or an exemption or any other action relating to or arising out of such approval.

Adopted Ordinance #3550 (1993); Amended Ordinance #3566 (1993);

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Chapter 9

INSECT, RODENT, AND OTHER VECTOR CONTROL

Article 1. Mosquito, Fly, Rat and Other Public Health Vector Abatement

Sections:

- 33.0901 Purpose and Authority.
- 33.0902 Definitions.
- 33.0903 Violations.
- 33.0904-0910 (Reserved)

Article 2. Fly Control on Commercial Poultry Ranches and Other Locations

Sections:

- 33.0911 Intent.
- 33.0912 Definitions.
- 33.0913 Fly Abatement and Appeals Board.
- 33.0914 Duties and Powers of the Director of DEHS.
- 33.0915 Hearing Request.
- 33.0916 Permit Required.
- 33.0917 Application Requirements.
- 33.0918 Transport of Wastes.
- 33.0919 Fly Bait Stations and Pesticides.
- 33.0920 Poultry Ranch Standards.
- 33.0921 Violations, Remedies, and Penalties.
- 33.0922-0930 (Reserved)

Article 3. Riding Academies

Sections:

- 33.0931 Authority.
- 33.0932 Definitions.
- 33.0933 Permits Required.
- 33.0934 Compliance.
- 33.0935 Suspension and/or Revocation of Permit.
- 33.0936 Violations, Remedies, and Penalties.
- 33.0937-0940 (Reserved)

Article 4. San Bernardino County Vector Control Program

Sections:

- 33.0941 Purpose.
- 33.0942 Authority.
- 33.0943 City assessments.
- 33.0944 Regional Assessments.
- 33.0945 Method of Collection; Authorization to Add to Tax Roll

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Article 5. 4-H/FFA Educational Animal Projects

Sections:

- 33.0951 General Provisions.
- 33.0952 Violations, Remedies, and Penalties.
- 33.0953-0960 (Reserved)

Article 1

MOSQUITO, FLY, RAT, AND OTHER PUBLIC HEALTH VECTOR ABATEMENT

33.0901 Purpose and Authority.

The purpose of this Article is to provide for the general public health protection in regards to mosquito, fly, rat, and other public health vector management and abatement.

Pursuant to the authority cited in Chapter 1 of this Environmental Health Code (E.H. Code), and as elsewhere provided in State law, this jurisdiction designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article and of the applicable laws and regulations related to public health vector abatement as currently adopted by the State Department of Food and Agriculture and Department of Health Services. This jurisdiction hereby finds and declares that breeding and harborage places for mosquitoes, flies, rats, and other vectors under conditions of known public health significance are public nuisances. DEHS is authorized to assist in epidemiological studies conducted by the San Bernardino County Department of Public Health and other health agencies, to provide education on vector-borne disease and control measures, and otherwise appropriately monitor the status of public health vertebrate and invertebrate vectors within this jurisdiction. Such authority includes the right to reasonably enter upon, without hindrance, any lands to inspect, survey, monitor, or issue notices related to suspected public nuisances.

Renumber and restated Ordinance 3105 (1986);

33.0902 Definitions.

The definitions provided in Chapter 1 of this E.H. Code shall apply to this Article except that:

(a) "Public nuisance" for the purposes of this Article means any of the following:

(1) (A) Any breeding place for mosquitoes, flies, rats, or other vectors of public health importance which exists by reason of any use made of the land on which it is found, or of any artificial change in its natural condition. Presence of immature arthropods of public health importance shall constitute prima facie evidence that a place is a breeding place for arthropods. The presence of rodent droppings, trails, or evidence of feeding activity, shall constitute prima facie evidence that a place is a breeding place for rats.

(B) Where DEHS determines that an agricultural operation is growing or processing crops or raising fowl or animals in a manner consistent with proper and accepted practices and standards, and employing measures for rat control, for fly control, for manure management, removal, and disposal, and for disposal of agricultural crop waste, which prevent excessive domestic fly larval development and excessive adult fly emergence on the property, and excessive rat population, then that place shall

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not be deemed a public nuisance.

(C) As used in this paragraph, "excessive" as defined by State law in Health and Safety Code §2200, means the presence of domestic flies and rats associated with agricultural operations, which do all of the following:

(I) Occur in immature stages and as adults in numbers considerably in excess of those found in the surrounding environment.

(II) Are associated with the design, layout, and management of agricultural operations.

(III) Disseminate widely from the property.

(IV) Cause detrimental effects on the public health and well-being of a majority of the surrounding population.

(2) Water which is a breeding place for mosquitoes, flies, or other arthropods of public health importance.

(b) "Vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, fleas, ticks, mites, and rats, but not including any domesticated animal.

Renumber and restated Ordinance 3105 (1986);

33.0903 Violations.

It shall be unlawful for any person or entity to create or allow the existence of a public nuisance as defined in this Article.

Renumber and restated Ordinance 3105 (1986);

33.0904-0910 (Reserved)

Article 2

FLY CONTROL ON COMMERCIAL POULTRY RANCHES AND OTHER LOCATIONS

33.0911 Intent.

It is the intent of this Article to promote good fly control practices and to provide a system of abatement for all fly breeding sources on commercial poultry ranches and other places within this jurisdiction. Except as provided herein, all authority and provisions of Chapters 1 and 2 of this Environmental Health Code (E.H. Code) shall apply to this Article.

Renumber and restated Ordinance 3105 (1986);

33.0912 Definitions.

In addition to the definitions provided in Chapter I of this E.H. Code, the following shall apply to this Article:

(a) "Commercial Poultry Ranch" shall mean any building, structure, enclosure, or premises where poultry are kept or maintained for the primary purpose of producing poultry, eggs, or meat for sale or other distribution. This term shall not apply to premises where less than one hundred (100) chickens are kept.

(b) "Fly Breeding Hazard" shall mean the accumulation, existence or maintenance of any substance, matter, material, or condition resulting or likely to result in the breeding

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of flies in an amount or manner such as to endanger public health or safety, or to create unreasonable interference with the comfortable enjoyment and use of life and property by others.

(c) "Public Nuisance" shall mean any fly breeding hazard within this jurisdiction.

(d) "Standards for the Prevention and Control of Fly Breeding on Commercial Poultry Ranches" shall mean those sections provided in this Article setting forth standards for the construction, operation, and maintenance of commercial poultry ranches.

Renumber and restated Ordinance 3105 (1986);

33.0913 Fly Abatement and Appeals Board.

(a) Establishment. There shall be a County-wide Fly Abatement and Appeals Board of the County of San Bernardino, State of California.

(b) Appointment of Members. The Appeals Board shall be composed of five (5) members appointed by the Director of the Department of Environmental Health Services (DEHS) of the County of San Bernardino. Two (2) persons shall be commercial poultry ranchers. One (1) person shall be a graduate of a biological or environmental science, knowledgeable in fly control procedures and not associated with DEHS or any local commercial poultry ranch. Two (2) persons shall represent the community at large. Members of the Board shall be appointed for a term of two (2) years, and shall serve without compensation, reimbursements, or allowances.

(c) Functions. The functions of the Board are as follows:

(1) The Board shall conduct public hearings relating to fly breeding hazards, but shall not take up the subject of denial, suspension, or revocation of any permit.

(2) The Board shall choose a chairman and vice-chairman from its own members.

(3) A quorum shall be necessary in order to transact business of the Board.

(4) The Board may, upon evidence presented, recommend methodology for abatement of a violation of this Article.

(5) The Board may issue a recommendation to the Director of DEHS regarding a determination of breeding hazards and issuance of abatement orders.

(6) A majority vote of the Board members present shall be necessary to issue a recommendation.

(7) Administration of abatement orders, notices of violation, citations, and court actions shall be the responsibility of the Director of DEHS.

(d) Recommendation Procedure. The Board shall issue its recommendations to the Director of DEHS in writing within five (5) days of the hearing. Final determination is the responsibility of the Director of DEHS.

33.0914 Duties and Powers of the Director of DEHS.

(a) Inspection. It is the duty of the Director of DEHS or authorized agent to inspect any premises when there is probable cause to believe that a fly breeding hazard exists. The Director or authorized agent thereof may also routinely inspect commercial poultry ranches and may take photographs, collect samples, or other evidence.

(b) Notice. When the Director or authorized agent determines that a fly breeding hazard exists on any premises, or in addition, pertaining to commercial poultry ranches, that there is a violation of any of the standards listed within this Article or of any other governing laws or rules, a written Notice of Violation shall be issued to the owner or operator of the premises to correct the violation within a specified period of time. A

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Notice of Violation shall allow at least five (5) days to correct the violation(s). Continuing or subsequent violations may result in immediate citation.

(c) Service of Notice or Order. The notice required by this section shall be served by any or all of the following methods:

(1) Mail to the owner as shown on the tax rolls;

(2) By personal service;

(3) By posting the property.

(d) Citation. If the owner or operator fails to correct the violation within the specified period of time indicated on a written Notice of Violation, the Director or designated agent may proceed with an action in court to enforce the provisions of this Article.

(e) Repeated Violations. If the Director or designated agent has served upon the owner or operator two (2) or more written Notices of Violation within the previous twelve (12) month period, at the time of service of the current Notice of Violation, a written notice of a right to a hearing before the Fly Abatement and Appeals Board shall also be served.

(f) Remedies. The Director or designated agent may use any other remedy provided by law for the abatement of a nuisance in addition to any remedy provided in this Article.

Renumber and restated Ordinance 3105 (1986);

33.0915 Hearing Request.

Any commercial poultry ranch receiving a written Notice of Violation may request a public hearing before the Fly Abatement Appeals Board. The request shall be in writing addressed to the Director of DEHS within five (5) days of issuance of a Notice of Violation. The hearing shall be scheduled within ten (10) days of the written request. At the hearing, the commercial poultry ranch operator may advise the Appeals Board of any compliance problems and the Appeals Board may advise the operator of procedures which would provide abatement. The Appeals Board shall inform the Director of DEHS of the proceedings of this informal hearing. Final determination shall be the responsibility of the Director of DEHS.

Renumber and restated Ordinance 3105 (1986);

33.0916 Permit Required.

In addition to the requirements of Chapter 2 of this E.H. Code, every owner or operator of a commercial poultry ranch shall possess an unexpired, unsuspended, unrevoked permit from DEHS to engage in the business of operating or managing a poultry ranch. The appropriate fee shall be submitted with each application in the amounts set forth in the San Bernardino County Code Schedule of Fees. An operator of several separate commercial poultry ranches shall obtain a separate valid permit for each ranch operation. Permits shall not be transferable and may be denied, suspended, or revoked. Upon notification by the Director of DEHS or authorized agent of intent to deny, suspend, or revoke a permit, the permittee may request a hearing as provided in Chapter 2 of this E.H. Code. The grounds for denial, suspension, or revocation shall be the existence of a fly breeding hazard on the applicable property of such a nature that imminent abatement is not foreseeable, or noncompliance with the other requirements of this Article as to the use of facilities and equipment.

Renumber and restated Ordinance 3105 (1986);

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33.0917 Application Requirements.

(a) The following information shall be submitted to DEHS in connection with all existing caged poultry operations:

- (1) Owner, operator, firms and/or corporation name and address;
- (2) Construction details of existing operational systems (cages, floors, water, feeds, waste-water disposal, house space, cooling and ventilating systems);
- (3) Density of birds for existing operation; and
- (4) Statements describing existing method of manure management and dead bird disposal.

(b) Plans for new construction shall be submitted to DEHS and the planning and/or land management departments of this jurisdiction for approval and DEHS development permit prior to construction with appropriate fees as set forth in the San Bernardino County Code Schedule of Fees and shall include:

- (1) A plot plan drawn to scale;
- (2) The owner, operator, firm, and/or corporation name and address;
- (3) Location of proposed construction and type of existing buildings;
- (4) Prevailing wind directions;
- (5) Location of access roads and servicing areas;
- (6) Human and animal population densities of adjoining areas; and
- (7) Construction details of proposed and existing operational systems (cages, floors, watering, feeds, waste-water disposal, house spacing, cooling ventilating systems).

Renumber and restated Ordinance 3105 (1986);

33.0918 Transport of Wastes.

All trucks and other equipment used in removing, processing, or disposal of manure or dead birds shall be kept reasonably clean of manure and dead birds after disposal to prevent fly and odor nuisances. The beds of all trucks and other hauling equipment used for these practices shall be completely covered and/or sealed with a tarpaulin or otherwise properly covered and secured to prevent spillages when operating on public roadways, in accordance with the California Vehicle Code. Trucks and other equipment containing manure or dead birds shall not be parked within a residential neighborhood area for longer than twenty-four (24) hours and not within five hundred (500) feet of a neighboring residential or commercial building.

Renumber and restated Ordinance 3105 (1986);

33.0919 Fly Bait Stations and Pesticides.

(a) Fly bait stations, when required by DEHS and approved by DEHS, shall be maintained in an operable condition on each cage operation type ranch or other fly breeding place. The number of fly bait stations shall be determined by DEHS.

(b) The standards herein shall be interpreted to promote good fly control practices in accordance with recognized biological control practices to reduce the possibility of fly breeding. However, they do not preclude the use of pesticides when necessary or other good fly control practices as approved by DEHS. Additionally, DEHS may require any reasonable action necessary to insure fly control and to prevent a public nuisance.

Renumber and restated Ordinance 3105 (1986);

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33.0920 Poultry Ranch Standards.

The following standards herein shall be utilized to promote good fly control practices in accordance with recognized Integrated Pest Management techniques. These shall include physical, biological, and chemical control methods such as those currently recommended in the bulletin "Integrated Management of Pest Flies on Poultry Ranches," published by the University of California Division of Agricultural Sciences or as set forth in equivalent publications.

(a) Construction and Maintenance:

(1) Structures and equipment for both ground and cage operations shall be constructed so as to facilitate the drying and removal of manure when required, and shall provide drainage of moisture away from all manure.

(2) All watering and cooling systems shall be so installed to prevent backflow and so maintained that they do not overflow, splash, or leak upon manure and feeds.

(3) All waste water shall be disposed of by using a subsurface drainage system or other method that will not result in a nuisance.

(4) All housing operations shall be so designed and maintained to allow adequate ventilation and weather protection by proper spacing, elevation, and roofing designs.

(5) All feed storage facilities shall be designed and maintained so as to prevent fly and rodent development.

(6) Any person or entity proposing to construct or reconstruct a commercial poultry ranch or any building, structure, or enclosure on a commercial poultry ranch shall follow the current guidelines as provided by the University of California Cooperative Extension, or other industry-wide acceptable standards.

(b) Fly Control Through Manure Management:

(1) Drying and Coning Operation. If the commercial poultry ranch owner or operator employs the drying and coning operation method of manure management, the following shall be complied with:

(A) The process shall begin on dry ground or on a pad of dry manure in order to harbor predators and parasites and to provide an absorbent surface for fresh droppings. A deeper pad of dry manure may be necessary if the area beneath the poultry cages is sunk below the levels of the aisles. If necessary, to facilitate drying, broken up fresh droppings shall be stirred or otherwise mixed with the dry pad until a satisfactorily dry condition is attained.

(B) Any system used for watering the poultry shall be maintained so as to prevent water from reaching the manure. System leaks shall be promptly repaired so as not to disrupt the effectiveness of the drying method. When necessary, the watering system shall be changed or upgraded to eliminate future leaks.

(C) All wet spots in the manure created by water leaks or diarrhetic poultry shall be thoroughly removed and replaced with an adequate base of dry material as necessary.

(D) Whenever it becomes necessary to remove the manure from under the cages, a six (6) to eight (8) inch pad of dry manure shall be left to facilitate the drying of the new cones and maintain a habitat for predators and parasites by one of the following methods:

(I) Removing every other row, then pushing half of the manure from the remaining row into the cleaned out row.

(II) Cleaning so as to leave at least six (6) to eight (8) inches of manure in each row.

(III) Cleaning out all manure and replacing it with at least a six (6) to eight (8)

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inch pad of dry manure from some other source.

(2) Frequent Manure Removal Operation. If the commercial poultry ranch owner or operator employs the frequent manure removal operation method of manure management, the following procedures shall be complied with:

(A) Manure shall be removed frequently enough from under poultry cages to prevent fly larval migration and adult emergence.

(B) Each time manure is removed from under the poultry cages, larvae and pupae shall also be removed in the fringe areas.

(C) Aisles and borders of the poultry houses shall be cleaned of feathers and other debris frequently to eliminate pupation areas for fly larvae.

(c) Manure Disposal.

(1) Raw manure shall not be stockpiled or stored on the ranch premises for more than fifteen (15) days.

(2) Any manure removed from under the poultry cages or the premises by any person, shall be processed and/or disposed of in a manner that will not create a fly nuisance.

(3) Manure which is processed on the ranch shall be processed by one of the following means, provided there is sufficient area available for whichever method is selected. Methodology for manure processing and disposal shall be that approved by the Director of DEHS. Obtaining the Director's approval shall be the responsibility of the operator. Manure shall be:

(A) Placed under a tarp which is properly sealed around the edges or in a fly-tight storage bin to prevent the emergence of adult flies.

(B) Spread thinly and dried and/or disced under in a manner that will not create a fly problem.

(C) Incorporated into an effective decomposition or drying operation so that any larvae or pupae in the manure cannot advance in the life cycle, and such operation be so conducted that dusts, odors, and nuisances to adjacent properties do not occur.

(d) Fly Control of Other Sources on Commercial Poultry Ranches.

(1) Dead Poultry Disposal. Dead poultry shall be removed from the cages at least once a day and immediately disposed of by one of the following methods:

(A) Placed in a fly-tight container or structure for proper off-site removal and removed from the premises at least weekly. Containers shall be kept clean to prevent fly breeding.

(B) Placed in a disposal pit of approved construction similar to that shown in current University of California Cooperative Extension publication, "How to Dispose of Dead Birds," or as stated in equivalent publications.

(2) Waste Egg Disposal. Waste eggs shall be disposed of by one of the following methods:

(A) Placed daily in the dead bird disposal.

(B) Placed in fly-tight containers or structures and removed from the premises at least weekly.

(3) Feed Management.

(A) Feed storage area shall be kept dry.

(B) Spilled feed from feed troughs shall be immediately removed.

(e) General Ranch Operation.

(1) There shall be sufficient equipment and personnel to implement the manure management program for fly prevention and control.

(2) Whenever necessary, the fly population on the ranch shall be chemically

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controlled to prevent nuisances. Larviciding shall be kept at a minimum. Appropriate adulticides, including both sprays and baits, may be used to control adult fly populations.

(3) Dropping boards or wires may be used in speeding the drying process and to reduce the expense of pesticides. Excessive accumulations of manure on dropping boards or wires to prevent fly breeding shall be cleaned frequently.

Renumber and restated Ordinance 3105 (1986);

33.0921 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all remedies and penalties of Chapters 1 and 2 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

33.0922-0930 (Reserved)

Article 3 RIDING ACADEMIES

33.0931 Authority.

Except as provided herein, all authority and provisions of Chapters 1, 2, and 3 of this Environmental Health Code (E.H. Code) shall apply to this Article, which shall be enforced by the Department of Environmental Health Services (DEHS) of the County of San Bernardino within this jurisdiction. Matters pertaining to animal disease and abuse shall be referred to the Health Officer.

Renumber and restated Ordinance 3105 (1986);

33.0932 Definitions.

In addition to those definitions in Chapters 1 and 3 of this E.H. Code, the following shall apply to this Article:

(a) "Riding Academy" shall mean any place where horses are rented or held for rent to the public, or where such horses are stabled, kept, or maintained.

Renumber and restated Ordinance 3105 (1986);

33.0933 Permits Required.

It shall be unlawful for any person or entity to construct, own, operate, or allow the operation of any riding academy without a valid DEHS permit to do so, issued in accordance with the provisions of this Article and Chapter 2 of this E.H. Code.

Renumber and restated Ordinance 3105 (1986);

33.0934 Compliance.

Operators of riding academies shall comply with all provisions of this E.H. Code and of this jurisdiction for the location, operation, maintenance, and care of such places and animals, and the stockpiling and disposal of manure and waste material therefrom, in a manner which shall not create a hazard to human or animal health or be or become a public nuisance.

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Renumber and restated Ordinance 3105 (1986);

33.0935 Suspension and/or Revocation of Permit.

In accordance with the administrative procedures set forth in Chapter 2 of this E.H. Code, a permit may be suspended or revoked by DEHS for failure to comply with the provisions of this E.H. Code, the laws of this jurisdiction, or if at any time such place becomes a hazard to human or animal health, or a public nuisance.

Renumber and restated Ordinance 3105 (1986);

33.0936 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all remedies and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Renumber and restated Ordinance 3105 (1986);

33.0937-0940 (Reserved)

Article 4

SAN BERNARDINO COUNTY VECTOR CONTROL PROGRAM

33.0941 Purpose.

The San Bernardino County Board of Supervisors has found and determined: that mosquito, fly, rodent, and other vector producing areas capable of producing public health vectors are present within the County; that these vectors are known to transmit human diseases; that the effective control of these vectors should be conducted on a County-wide basis in order to protect the health and safety, and enhance the comfort of the citizens; that the participation of the County of San Bernardino County Vector Control Program through the Department of Public Health (PH), Division of Environmental Health Services (DEHS) will best control public health vector problems of the County; that there is a need for the program in the zones and areas to be assessed and that the properties within such program benefited by the program.

Renumber and restated Ordinance 3105 (1986); Amended Ordinance #3549 (1993); Amended Ordinance #3672 (1996);

33.0942 Authority.

(a) Pursuant to California Government Code section 25842.5, the Board of Supervisors hereby establishes the San Bernardino County Vector Control Program which shall provide the services and exercise the powers of a Vector Control District within the County of San Bernardino as set forth in the California Health and Safety Code sections 2200 through 2360, et seq. Before exercising such authority within incorporated territory, the consent of the city council shall first be obtained. The San Bernardino County Vector Control Program shall be carried out by the Department of Public Health (PH), Division of Environmental Health Services (DEHS) of the County of San Bernardino. PH/DEHS will consult with each jurisdiction, consenting to participation in the Vector Control Program, to determine the parameters of services to

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be performed and to establish mechanisms for funding.

(b) For the purposes of an assessment levied under this article, the property so assessed within a given zone, city or region is equally benefited.

Renumber and restated Ordinance 3105 (1986); Amended Ordinance #3549 (1993); Amended Ordinance #3672 (1996);

33.0943 City Assessments.

(a) The city councils of the following cities have resolved, pursuant to California Government Code section 25842.5, to consent to approve the inclusion of their incorporated territory in the San Bernardino County Vector Control Program, and have entered into separate agreements with County to that end:

- (1) Colton;
- (2) Fontana;
- (3) Grand Terrace;
- (4) Highland;
- (5) Loma Linda;
- (6) Needles;
- (7) Ontario (excluding all areas within the West Valley Vector Control District).
- (8) Redlands
- (9) Rialto;
- (10) San Bernardino;
- (11) Upland; and
- (12) Yucaipa;

(b) The San Bernardino County Board of Supervisors hereby establishes annual benefit assessment rates and/or collection methods for all incorporated and unincorporated areas within the San Bernardino County Vector Control Program, as set forth in this article.

(c) The benefit assessment rates for the following valley floor cities (excluding incorporated area and areas within the West Valley Vector Control District) shall be as established by subsection (d) of this section:

- (1) Colton;
- (2) Fontana;
- (3) Grand Terrace;
- (4) Highland;
- (5) Loma Linda;
- (6) Redlands;
- (7) Rialto;
- (8) San Bernardino;
- (9) Upland; and
- (10) Yucaipa.

(d) The benefit assessment rates for the cities listed in subsection (c) of this section shall be as follows:

<u>TYPE OF PROPERTY</u>	<u>RATE</u>
1) <u>Vacant</u> Assessable parcels	\$1.00
(2) <u>Residential</u> (A) SFD	\$5.32
(B) 5-14 Units	\$5.32

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(C) 15-80 Units	\$7.64
(D) 81 Units and over	\$9.96

(3) <u>Commercial</u> Assessable parcels	\$9.96
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(4) <u>Industrial</u> Assessable parcels	\$9.96
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(e) The San Bernardino County Vector Control Program within the City of Ontario (excluding all areas within the West Valley Vector Control District) shall be funded pursuant to a contract between the County of San Bernardino and City of Ontario.

(f) The areas within the West Valley Vector Control District are described as: That portion of the Southwest corner of the County of San Bernardino, State of California, bounded as follows:

On the East, South and West by the San Bernardino County Line;

And on the North by the following described line:

Beginning at the Northeast corner of Section 1, Township 2 South, Range 7 West, San Bernardino Meridian, said point being also in the Easterly prolongation of the center line of Philadelphia Avenue.

Thence Westerly along said prolongation and center line to the center line of Euclid Avenue;

Then Northerly along said center line of Euclid Avenue to the center line of Francis Street;

Thence Westerly along said center line of Francis Street to the center line of Palmetto Avenue;

Thence Northerly along said center line of Palmetto Avenue to the center line of Mission Boulevard;

Thence Westerly along said center line of Mission Boulevard to the San Bernardino County line, being the point of terminus.

Contains 123 square miles.

Renumber and restated Ordinance 3105 (1986); Amended Ordinance #3549 (1993); Amended Ordinance #3577 (1994); Amended Ordinance #3672 (1996);

33.0944 Regional Assessments.

(a) The benefit assessment rates for the San Bernardino Valley Region, Unincorporated, shall be as follows:

<u>TYPE OF PROPERTY</u>	<u>RATE</u>
(1) <u>Vacant</u> Assessable parcels	\$1.00
(2) <u>Residential</u>	
(A) SFD	\$5.32
(B) 5-14 Units	\$5.32
(C) 15-80 Units	\$7.64
(D) 81 Units or more	\$9.96

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(3) Commercial

Assessable parcels	\$9.96
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(4) Industrial

Assessable parcels	\$9.96
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(b) The legal and area description of the San Bernardino Valley Region, unincorporated, benefit assessment zone is described as follows:

That portion of the County of San Bernardino, State of California, described as follows:

South and West of the southerly boundary of the San Bernardino and Angeles National Forest.

Except therefrom those portions lying within the various corporate city boundaries and the West Valley Vector Control District.

(c) The benefit assessment rates for the Mountain Region shall be as follows:

<u>TYPE OF PROPERTY</u>	<u>RATE</u>
Assessable parcels	\$2.00

(d) The legal area and description of the San Bernardino County Vector Control Program Mountain Region is as follows:

All that portion of the County of San Bernardino, State of California, described as follows:

Beginning at the intersection of the San Bernardino County line with the North line of Section 31, Township 4 North, Range 7 West, San Bernardino Meridian, said point being also on the boundary of the San Bernardino National Forest;

Thence Easterly along said National Forest boundary and continuing along said boundary, following all of its various courses to the Southeast corner of Section 36, Township 1 South, Range 2 East, San Bernardino Meridian, said point being also on the San Bernardino County line;

Thence leaving said National Forest boundary West along said County line to the Southwest corner of Section 31, Township 1 South, Range 1 East, San Bernardino Meridian, said point being also on the boundary of the San Bernardino National Forest;

Thence North along said National Forest boundary and continuing along said boundary, following all of its various courses the boundary of the Angeles National Forest, said point being on the South line of Section 13, Township 1 North, Range 8 West, San Bernardino Meridian;

Thence West along the South line of said Section 13 and said boundary of the Angeles National Forest to the San Bernardino County line;

Thence Northerly along said County line to the Point of Beginning.

EXCEPT THEREFROM all portions lying within any incorporated city, including: CITY OF BIG BEAR LAKE.

(e) The benefit assessment rates for the Desert Region shall be as follows:

<u>TYPE OF PROPERTY</u>	<u>RATE</u>
Assessable parcels	\$2.00

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(f) Legal area and description of the Desert Region is described as follows:

All that portion of the County of San Bernardino, State of California, described as follows:

Beginning at the intersection of the North line of Section 31, Township 4 North, Range 7 West, San Bernardino Meridian with the San Bernardino County line;

Thence Northerly along said County line and continuing along said County line, following all of its various courses to the intersection of the township line between Townships 11 and 12 North with the California and Nevada State line;

Thence West along said township line to the range line between Ranges 18 and 19 East;

Thence South along said range line to the Southeast corner of Township 11 North, Range 18 East, San Bernardino Meridian;

Thence West along the south line of said township to the range line between Ranges 18 and 19 East;

Thence South along said range line to the township line between Townships 8 and 9 North;

Thence East along said township line to the West line of Section 6, Township 8 North, Range 20 East, San Bernardino Meridian;

Thence North along said West line to the Northwest corner of said Section 6;

Thence East along the North line of said Township 8 North, Range 20 East, to the range line between Ranges 20 and 21 East.

Thence South along said range line to the North line of Section 1, Township 5 North, Range 20 East, San Bernardino Meridian;

Thence East along said North line to the range line between Ranges 20 and 21 East;

Thence South along said range line to the township line between Townships 3 and 4 North;

Thence East along said township line to the range line between Ranges 21 and 22 East;

Thence South along said range line to the township line between Townships 1 and 2 North;

Thence East along said township line to the range line between Ranges 23 and 24 East;

Thence South along said range line to the Southeast corner of Section 13, Township 1 South, Range 23 East, San Bernardino Meridian, said point being on the San Bernardino County line;

Thence West along said County line and continuing along said line, following all of its various courses to the Southwest corner of Section 31, Township 1 South, Range 3 East, San Bernardino Meridian, said point being on the boundary of the San Bernardino National Forest;

Thence North along said National Forest boundary and continuing along said boundary, following all of its various courses to the Point of Beginning.

EXCEPT THEREFROM the following cities:

Adelanto

Apple Valley

Barstow

Hesperia

Twentynine Palms

Victorville

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Yucca Valley

(g) The benefit assessment rates for the Colorado River Region shall be as follows:

<u>TYPE OF PROPERTY</u>	<u>RATE</u>
(1) <u>Vacant</u> Assessable parcels	\$1.00
(2) <u>Residential</u>	
(A) SFD	\$4.32
(B) 5-14 Units	\$4.32
(C) 15-80 Units	\$6.64
(D) 81 Units or over	\$8.96
(3) <u>Commercial</u>	
Assessable parcels	\$8.96
(4) <u>Industrial</u>	
Assessable parcels	\$8.96

(h) The legal and area designation for the Colorado River Region Benefit Assessment Zone is described as follows:

That portion of the County of San Bernardino, State of California, described as follows:

Beginning at the Southwest corner of Section 18, Township 1 South, Range 24 East, San Bernardino Meridian, said corner being also on the San Bernardino and Riverside County line;

Thence North along the range line between Ranges 23 and 24 East to the township line between Townships 1 and 2 North;

Thence West along said township line to the range line between Ranges 21 and 22 East;

Thence North along said range line to the township line between Townships 3 and 4 North;

Thence West along said township line to the range line between Ranges 20 and 21 East;

Thence North along said range line to the South line of Section 31, Township 6 North, Range 21 East, San Bernardino Meridian;

Thence West along said South line to the Southwest corner of said Section 31;

Thence North along the range line between Ranges 20 and 21 East to the township line between Townships 8 and 9 North;

Thence West along said Township line to the East line of Section 36, Township 9 North, Range 19 East;

Thence South along said East line to the Southwest corner of said Section 36;

Thence West along the township line between Township 8 and 9 North to the range line between Ranges 18 and 19 East;

Thence North along said range line to the Northwest corner of Section 6, Township 10 North, Range 19 East, San Bernardino Meridian;

Thence East along the North line of said Township 10 North, Range 19 East to the Southwest corner of Section 31, Township 11 North, Range 19 East, San

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Bernardino Meridian;

Thence North along the range line between Range 18 and 19 East to the township line between Townships 11 and 12 North;

Thence East along said township line to the California and Nevada State line;

Thence Southeasterly along said State line to the center line of the main channel of the Colorado River;

Thence Southerly along said center line, following all of its various courses to the San Bernardino and Riverside County line;

Thence West along said County line to the Point of Beginning.

EXCEPT therefrom those portions lying within the corporate boundary of the City of Needles.

Contains 1690 Square miles, more or less.

(i) The benefit assessment rates for the City of Needles shall be as follows:

<u>TYPE OF PROPERTY</u>	<u>RATE</u>
(1) <u>Vacant</u> Assessable parcels	\$1.00
(2) <u>Residential</u>	
(A) SFD	\$8.32
(B) 5-14 Units	\$8.32
(C) 15-80 Units	\$10.64
(D) 81 Units or over	\$12.96
(3) <u>Commercial</u>	
Assessable parcels	\$12.96
(4) <u>Industrial</u>	
Assessable parcels	\$12.96

Renumber and restated Ordinance 3105 (1986); Amended Ordinance #3549 (1993); Amended Ordinance #3672 (1996);

33.0945 Method of Collection; Authorization to Add to Tax Roll.

(a) All assessments fixed and authorized in this article may be collected directly by the County or added to the tax roll. When added to the tax roll, the assessment shall appear as a separate item on the tax roll for the vector control program and on the tax bill. The charge shall be collected at the same time and in the same manner as general ad valorem and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such County taxes.

(b) All laws applicable to the levy and collection of taxes shall apply except that if the real property to which such charges relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first installment of such taxes would then become delinquent, then the charge confirmed pursuant to this article shall not result in a lien against such real property, but instead shall be transferred to the unsecured roll for collection. When collected directly by the County, said assessment shall be due at the same time as if collected on the tax roll. Delinquencies arising during direct County collection methods shall be assessed an additional ten

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dollars (\$10) per parcel due to delinquent collections processing costs and all legal costs.

Renumber and restated Ordinance 3105 (1986); Amended Ordinance #3549 (1993); Amended Ordinance #3672 (1996);

Article 5 4-H/FFA EDUCATIONAL ANIMAL PROJECTS

33.0951 General Provisions.

Except as provided herein, all authority and provisions of Chapters 1, 2, and 3 of this Environmental Health Code (E.H. Code) shall apply to this Article.

Prior to placement of an educationally oriented animal husbandry project as specified by the San Bernardino County Development Code Section 86.0201 (B)(6), a completed application from the Department of Environmental Health Services (DEHS) of the County of San Bernardino for a permit to operate an animal project within this jurisdiction shall be filed with that amount listed in the San Bernardino County Code Schedule of Fees as an application fee paid to DEHS. On the DEHS application form, the applicant shall submit the following information:

- (1) Signature of applicant's parent or guardian.
- (2) Signature of applicant's youth organization advisor or counselor.
- (3) The signatures of all residents within a radius of three hundred (300) feet from the perimeter of the proposed animal project location. Such signatures shall indicate that the applicant has provided notification of the animal project proposal to each resident.
- (4) A plot plan to indicate location of the animal project, proposed structures, and surrounding residential structures.
- (5) The application shall include a proposed expiration date; however, the Director of DEHS reserves the right to make the final determination on the length of time for which the permit will be issued, after which the permit shall be automatically revoked and the project shall discontinue operation. The applicant may request an extension of up to six (6) months as approved by the Director and also may submit a new application.

After the Director of DEHS has given the application an initial review, and determined that the applicant can comply with the effective provisions of this Article and the provisions of the San Bernardino County Development Code, a notice of intent to issue a permit to operate shall be forwarded to those neighborhood residents within three hundred (300) feet of the project, notifying them that a permit will be issued within fourteen (14) days unless otherwise appealed to the Director.

During this fourteen (14) day period, any resident within three hundred (300) feet may file an appeal to the Director. This appeal shall be heard by the Planning Commission Subcommittee of the County of San Bernardino.

If the appeal of the denial of the issuance of the permit is sustained by the Planning Commission Subcommittee, that decision shall be forwarded to the Director and a permit to operate shall not be issued. There shall be no further administrative appeal to the denial of issuance of the permit to operate.

In the event the Director's initial review indicates the applicant cannot meet the said provisions of this ordinance, the Director shall deny the permit. The applicant may appeal this denial to the Planning Commission Subcommittee by filing a written appeal

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with the Director within ten (10) days of the denial date.

If at any time the animal project is deemed to be in violation of applicable Environmental Health or Development Code regulation of this jurisdiction, the Director of DEHS or authorized representative shall issue the permit holder or the parent or guardian thereof a written notice to appear before a hearing officer of DEHS to show cause why the permit to operate should not be revoked. After evidence has been presented to the hearing officer of compliance or noncompliance, the Director shall make a determination and may order the permit to be revoked if sufficient cause is shown. Administrative hearing procedures shall generally follow those set forth in Chapter 2 of this E.H. Code.

Renumber and restated Ordinance 3105 (1986);

33.0952 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all remedies and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Renumber and restated Ordinance 3105 (1986);

33.0953-0960 (Reserved)

HOUSING AND INSTITUTIONS

Chapter 10 HOUSING AND INSTITUTIONS

Article 1. Regulations of Buildings Used for Human Habitation

Sections:

- 33.101 (Reserved)
- 33.102 Purpose and Intent.
- 33.103 Authority and Enforcement.
- 33.104 Violations, Remedies, and Penalties.
- 33.105 Definitions.
- 33.106 Health Permit Required.
- 33.107 Inspection.
- 33.108 Revocation of the Annual Health Permit.
- 33.109 Expiration of Annual Health Permit.
- 33.1010 Certificate of Use (COU).
- 33.1011 Late Application.
- 33.01012 Supplemental Permit Fees.
- 33.1013-1019 (Reserved)

Article 2. Operation of Mobilehome Parks

- 33.1020 Purpose and Intent.
- 33.1021 Authority and Enforcement.
- 33.1022 Definitions.
- 33.1023 Health Permit.
- 33.1024 Health Permit Fee.
- 33.1025 Expiration of Permit.
- 33.1026 Permit to Operate -- Penalty Fees.
- 33.1027 Amended Permit to Operate.
- 33.1028 Mobilehome and Accessory Structure Installations.
- 33.1029 Violations, Remedies, and Penalties.

Article 3. Organized Camps and Boarding Schools

Sections:

- 33.1030 Purpose and Intent.
- 33.1031 Authority and Enforcement.
- 33.1032 Definitions.
- 33.1033 Permit Required.
- 33.1034 (Reserved)
- 33.1035 Sleeping Rooms.
- 33.1036 Isolation Rooms.
- 33.1037 Compliance Required for Establishment and Maintenance.
- 33.1038 Violations, Remedies, and Penalties.

HOUSING AND INSTITUTIONS

Article 1 REGULATIONS OF BUILDINGS USED FOR HUMAN HABITATION

33.101 (Reserved)

33.102 Purpose and Intent.

It is the purpose and intent of this article to provide regulation for the maintenance, sanitation, ventilation, use, occupancy, and safety of rental dwelling units, hotels, and motels within this jurisdiction for the public health, safety, and general welfare. It is hereby declared that in any instance where the provisions of this article do not encompass all of the state regulations pertaining to the subject of this article, such regulations are included herein and incorporated by reference.

Renumbered and restated Ordinance #3105 (1986)

33.103 Authority and Enforcement.

Pursuant to the authority in Chapter 1 of this Environmental Health Code (E.H. Code); the California Health and Safety Code, Division 13, Part 1.5, and the California Administrative Code, Title 25, Chapter 1, and the applicable articles pursuant thereto and as otherwise provided by law, the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Article within this jurisdiction, except as otherwise provided by this Board or Council.

Renumbered and restated Ordinance #3105 (1986)

33.104 Administrative and Enforcement Procedures.

Except where otherwise provided by this jurisdiction, and herein, DEHS shall include all provisions of Chapters 1, 2, and 3 of this E. H. Code in enforcing this Article.

Renumbered and restated Ordinance #3105 (1986)

33.015 Definitions.

Definitions herein shall supplement all definitions in Chapters 1 and 3 of this E. H. Code and the development code of this jurisdiction. Except as otherwise provided in this section, all terms used in this Article which are defined in the California Health and Safety Code, Division 13, Part 1.5 and the California Administrative Code, Title 25, Chapter 1, and the applicable articles adopted pursuant thereto, are used in this article as so defined, unless from the context thereof, it clearly appears that a different meaning is intended.

(a) "Apartment" shall mean a dwelling unit which is rented or offered for rent as a residence and shall not include a dwelling unit intended for the accommodation of transients.

(b) "Apartment House" shall mean any building or portion thereof containing three (3) or more apartments or dwelling units.

(c) "Dwelling Unit" shall mean one (1) or more habitable rooms which are occupied or which are intended to be, or designed to be, occupied by one (1) family with facilities for living, sleeping, eating and cooking.

(d) "Guest Room" shall mean any room or suite of rooms designed, used, and intended for the accommodation of a person, family, or party.

HOUSING AND INSTITUTIONS

(e) "Hotel" shall mean any structure, or any portion of a structure, including any lodging house, boarding house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public clud, or private club, containing three (3) or more resident guest rooms and which is occupied or is intended or designed for occupation by three (3) or more guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital asylum, sanitarium, orphanage, prison, or other building in which human beings are housed and detained under legal restraint.

(f) "Motel" shall mean a building or buildings each containing one (1) or more guest rooms or dwelling units or combinations thereof designed, used, and intended wholly or in part, for the accommodation of transients. "Motel" also includes any auto court, resort, and "bed and breakfast" lodging.

(g) "Multiple Apartments: shall mean three (3) or more apartments located on the same premises and/or parcel.

(h) "Premises" shall include all buildings located on contiguous parcels of land under common ownership.

Renumbered and restated Ordinance #3105 (1986)

33.106 Certificate of Occupancy (C of O).

No person or entity shall allow the occupancy of any multiple apartment units, apartment house, hotel, motel, or similar operation, without possessing an unexpired, unrevoked, unsuspended Certificate of Occupancy (C of O) from DEHS for each operation or premises, and paying fees to DEHS as provided by the San Bernardino County Code Schedule of Fees.

(a) A new C of O is required when:

- (1) The occupancy classification of a building or portion thereof is changed.
- (2) The number of apartments, guest rooms, or dwelling units is changed.
- (3) The ownership of the multiple apartments, apartment house, hotel, or motel is changed.

(4j)The C of O has expired or has been revoked.

Renumbered and restated Ordinance #3105 (1986)

33.107 Late Application.

Upon the failure of the owner or operator to make application for a C of O within sixty (60) days of notification by DEHS concerning occupied premises, DEHS may charge a late processing fee equal to the original fee.

Renumbered and restated Ordinance #3105 (1986)

33.108 Inspection.

Prior to the issuance of the C of O, DEHS shall inspect each premise to assure compliance with the provision of this Article. When it is determined that the premises are in substantial compliance with the provisions of this Article, the C of O shall be issued. Should DEHS find substantial violations of this Article which render the premises or any portion thereof substandard, the C of O shall be withheld.

Renumbered and restated Ordinance #3105 (1986)

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33.109 Revocation of the C of O.

Whenever DEHS determined that any premises, or portion thereof, for which a C of O has been issued, has become substandard, the C of O shall be revoked..

Renumbered and restated Ordinance #3105 (1986)

33.1010 Health Permit Required.

No person or entity shall allow the operation of a hotel, motel, auto court, resort, "bed and breakfast" lodging facility, or similar facility without possessing an unexpired, unrevoked, unsuspended permit for each facility and paying fees to DEHS in those amounts set forth in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986)

33.1011 Expiration of Permits.

Permits issued pursuant to this chapter expire the December 31st following issuance and such permit shall be renewed and all fees paid within thirty (30) days following the expiration date.

Renumbered and restated Ordinance #3105 (1986)

33.1012 Supplemental Permit Fees.

Fees of supplemental permits issued for guest rooms, dormitories, and dwelling units added after the issuance of the original permit shall be paid as prorated by DEHS on a monthly basis and the expiration date of supplemental permits shall be the same as the expiration date of the original permit.

Renumbered and restated Ordinance #3105 (1986)

33.1013 Violations, Remedies, and Penalties.

It shall be unlawful for any person to violate any provision of this Article. Except as provided herein, all administrative procedures, enforcement, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

33.1014-1019 (Reserved)

Article 2 OPERATION OF MOBILEHOME PARKS

33.1020 Purpose and Intent.

It is the purpose and intent of this Article to provide regulations and procedures for the operation of mobilehome parks within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986)

33.1021 Authority and Enforcement.

Pursuant to the authority cited in Chapter 1 of this Environmental Health Code (E.H. Code), the provisions of the Mobilehome Parks Act, California Health and Safety Code,

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Division 13, Part 2.1 and the applicable regulations adopted pursuant thereto by the State Department of Housing and Community Development are hereby adopted as a part of this Article. It shall be the duty of the Office of Building and Safety to enforce all of the provisions of said Act pertaining to construction, alteration, or modification of all mobilehome parks. It shall be the duty of the San Bernardino County Environmental Health Services Department (DEHS) to enforce all the provisions pertaining to permits to operate, maintenance, use, occupancy, sanitation, and safety of all mobilehome parks including the provisions of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986)

33.1022 Definitions.

All terms used in this Article are defined in Chapters 1 and 3 of this E.H. Code, in the Mobilehome Parks Act, California Health and Safety Code, Division 13, Part 2.1 and the applicable regulations adopted pursuant thereto by the State Department of Housing and Community Development and are used in this Article as so defined unless, from the context thereof, it clearly appears that a different meaning is intended.

Renumbered and restated Ordinance #3105 (1986)

33.1023 Health Permit.

Any person or owner who operates or permits the use of a mobilehome park or special occupancy park or portion thereof shall first obtain a permit issued by DEHS, authorizing such person or owner to operate such a mobilehome park or special occupancy park. Application for permits may be secured from DEHS. A permit to operate shall not be issued for a mobilehome park or special occupancy park or any portion thereof that has been constructed, reconstructed, or altered unless a valid certificate of occupancy has been written by the Office of Building and Safety of this jurisdiction and received by DEHS.

Renumbered and restated Ordinance #3105 (1986)

33.1024 Health Permit Fee.

Prior to the issuance of the DEHS permit, DEHS shall be paid a fee in the amount set forth in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986)

33.1025 Expiration of Permit.

Permits issued pursuant to this Article shall expire on December thirty-first (31st) following issuance and such permit must be renewed within thirty (30) days following the expiration date.

Renumbered and restated Ordinance #3105 (1986)

33.1026 Permit to Operate -- Penalty Fees.

Annual permit fees submitted after January thirty-first (31st) of each year are subject to penalty fees as follows:

(a) The fees for a permit to operate submitted on or after February first (1st), but

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before March first (1st) of each year are subject to a ten percent (10%) penalty fee. The fees for a permit to operate submitted on or after March first (1st) of each year are subject to a one hundred percent (100%) penalty fee. When fees are submitted by mail, the postmark shall establish the date of submittal.

Renumbered and restated Ordinance #3105 (1986)

33.1027 Amended Permit to Operate.

An amended permit to operate shall be required when there is any change in the information on the permit to operate. Changes in information shall include, but not be limited to, change of name or ownership; limits on lot occupancy; or number of lots resulting from the sale, lease, construction, or alteration of existing lots or facilities.

Renumbered and restated Ordinance #3105 (1986)

33.1028 Mobilehome and Accessory Structure Installations.

(a) Prior to the installation of each mobilehome or accessory structure on a mobilehome lot, a permit shall be obtained from DEHS. Permit application shall be submitted on forms provided by DEHS.

(b) Park operator approval shall be required on all applications for permits to install a mobilehome or to alter a mobilehome if such alteration would affect the electrical, fuel gas, or plumbing system of the mobilehome park.

(c) Park operator approval shall be required on all applications for permits to construct, reconstruct, install, or alter a mobilehome accessory structure to be located or proposed to be located within a mobilehome park.

(d) Appropriate fees shall be submitted to DEHS with each permit application in those amounts set forth in the San Bernardino County Code Schedule of Fees.

(e) A mobilehome shall not be located or installed in a special occupancy park except where so designated.

Renumbered and restated Ordinance #3105 (1986)

33.1029 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administrative procedures, enforcement, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986)

Article 3 ORGANIZED CAMPS AND BOARDING SCHOOLS

33.1030 Purpose and Intent.

It is the purpose and intent of this Article to provide regulation for the proper operation and maintenance of all organized camps, boarding schools, and similar facilities within this jurisdiction to protect the public health, safety and general welfare.

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Renumbered and restated Ordinance #3105 (1986)

33.1031 Authority and Enforcement.

Pursuant to the authority cited in Chapter 1 of this Environmental Health Code (E.H. Code), the provisions of the California Health and Safety Code, Division 13, Parts 2 and 3; and the California Administrative Code, Title 17, Sections 30700-30751 and Title 19, Sections 9.80-9.98, Sections P1001 through P 1118, and Sections T17-7583 through T17-7594 (except the provisions of Administrative Code, Title 17, Section 30720 not applying to boarding schools), and all other relevant State law adopted and incorporated into this Article by reference, the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Article within this jurisdiction except as provided herein.

Renumbered and restated Ordinance #3105 (1986)

33.1032 Definitions.

Except as otherwise provided in this section, all terms used in this Article which are defined in the Statutes and Regulations adopted in Section 33.1031 are so defined herein unless from the context thereof it clearly appears that a different meaning is intended. Definitions herein shall include those in Chapters 1 and 3 of this E.H. Code.

(a) "Boarding School" shall mean any place where more than three (3) minor children are housed, cared for, provided board, or sleeping facilities, and training or recreation is provided by persons other than parents or legal guardians.

Renumbered and restated Ordinance #3105 (1986)

33.1033 Permit Required.

It shall be unlawful to operate or permit the operation of an organized camp, boarding school, or similar facility without an unexpired, unsuspended, unrevoked permit from DEHS and having paid fees to DEHS as prescribed by the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986)

33.1034 (Reserved)

33.1035 Sleeping Rooms.

(a) No person shall keep any child in any room or dormitory in such school or camp which provides less than thirty (30) square feet of floor space for each single tier bed or less than twenty-five (25) square feet of floor space for each bed for double tier beds.

(b) Tents and tent structures are prohibited from use as sleeping rooms in a boarding school.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance 3429 (1991);

33.1036 Isolation Rooms.

Every boarding school wherein ten (10) or more children are housed must have a separate room or rooms equipped with separate toilet and bathing facilities for isolation purposes.

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Renumbered and restated Ordinance #3105 (1986)

33.1037 Compliance Required for Establishment and Maintenance.

It shall be unlawful to establish or maintain any organized camp or boarding school which does not comply with the requirements of this Article, and all other applicable statutes, ordinances, rules, and regulations pertaining thereto.

Renumbered and restated Ordinance #3105 (1986)

33.1038 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administrative procedures, enforcement, remedies, and penalties provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986)

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Chapter 11 RECREATIONAL HEALTH

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Thousand (20,000) Square Feet or More, and Without Access Devices.

Article 4. Enclosure of Pool Areas

Section:

33.1132 Enclosure of Pool Areas.

Article 1 GENERAL PROVISIONS

33.111 Authority.

Pursuant to the authority cited in Chapter 1 of this Environmental Health Code (EHC), California Health and Safety Code (H & S Code) Section 427 et seq. (Public Beaches), Section 4050 et seq. (Recreational Use of Water Supply Reservoirs), Section 4425 (Vessel Toilets), Section 4430 et seq. (Vessel Pollution), Section 4450 (Other Pollution), Section 24000 et seq. (Health and Safety of Bathers), California Administrative Code (C.A.C.) Titles 22 and 24, and other applicable State law, this jurisdiction hereby authorizes, that all laws of the State and of this EHC pertaining to public water-contact recreation be enforced within this jurisdiction by the Director and Enforcement Officers of the Department of Environmental Health Services (DEHS) of the County of San Bernardino.

Renumbered and restated Ordinance #3105 (1986)

33.112 Definitions and Scope.

Definitions herein shall supplement all definitions in State law pertaining to public water-contact recreation, and those of Chapters 1 and 3 of this EHC.

(a) DEFINITIONS:

(1) "Access Devices" shall be defined at Section 33.117 herein.

(2) "Artificial Water Recreational Resort (AWRR)" applies to: any lake, lagoon, basin, water course or other bathing area primarily designed for water contact recreation with water transferred from a public water system holding a permit from the State Department of Health Services or from another approved source.

(3) "Direct Fee" is money or other forms of compensation such as goods, wares, merchandise or labor for access to the facility.

(4) "Public Swimming Pool" and related public "Pools" shall be as defined as per the State Health and Safety Code and Title 22 of the C.A.C.

(5) "Natural Water Recreational Resort (NWRR)" applies to: bays, lakes, water courses or other water contact recreation areas with a natural source of water.

(6) "Water Contact Recreation" shall include all public recreational activities where there is a high probability of water ingestion and where related activities create a significant public health and safety risk. Such activities shall include: wading, swimming, bathing, and diving. Such activities shall not include: boating, sailing, fishing, and similar activities where bodily contact with water is insignificant, or unlikely, or for any activity not involving the public.

(7) "Water Contact Recreation Resorts (WCRR)" shall include all public water contact recreation facilities for which direct or indirect fee is charged for the use of the facility. WCRR shall include: water theme parks, swim or wave lagoons, natural and man-made lakes and water courses, and similar public water contact recreational places.

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(b) SCOPE:

(1) The provisions of this Chapter shall apply to all WCRR as defined in Section 33.112, including but not limited to:

- (A) Commercial WCRR+
- (B) Real Estate WCRR.
- (C) Community WCRR.
- (D) Hotel and Motel WCRR.
- (E) Resort WCRR.
- (F) Auto and Trailer Park WCRR.
- (G) Auto Court WCRR.
- (H) Apartment and Townhouse WCRR.
- (I) Club WCRR.
- (J) Public or Private School WCRR.
- (K) Health Establishment WCRR.
- (L) Condominium WCRR.
- (M) Mobilehome Park WCRR.
- (N) Campground WCRR.
- (O) Homeowner Association WCRR.
- (P) Public Park WCRR.

(2) WCRR shall be presumed to be private where there are four (4) or less dwelling units. Such private facilities and lakes or water courses used solely for boating, sailing or fishing are exempt from the provisions of this Chapter.

Renumbered and restated Ordinance #3105 (1986)

33.113 General Health and Safety Requirements.

Design, construction, operation and maintenance of facilities of all WCRR shall be such as to reduce to a minimum the risks of drowning, injury and transmission of disease.

(a) The facilities operation shall be under the close supervision of one or more experienced operators.

(b) Records shall be kept on the premises and readily available for inspection by DEHS, to show compliance with these regulations.

Renumbered and restated Ordinance #3105 (1986)

33.114 Water Quality.

(a) Chemical Quality of Water -- Chemical quality of water shall, at all times, be such that there is not irritation of eyes or skin of the bathers, nor other objectionable physiological effects on bathers. Water in the WCR shall have a pH of not less than six point eight (6.8) or more than eight point four (8.4);

(b) Microbiological Quality -- WCRR waters shall be routinely sampled and analyzed, at the operator's expense, for microbiological contamination. Samples shall be collected at a frequency, and from representative locations, as determined by the DEHS. The fecal coliform density from any consecutive sets of samples collected within any thirty (30) days shall not exceed an arithmetic mean of two hundred (200) organisms per one hundred (100) ml. When fecal coliform density of any sample collected exceeds one thousand (1,000) per one hundred (100) ml., the DEHS shall order the closure of the water contact area and follow-up daily sampling shall be immediately commenced with

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waters analyzed for fecal coliform for at least two (2) consecutive days. If any follow-up daily sample exceeds one thousand (1,000) per one hundred (100) ml., the water contact area shall remain closed, with the appropriate signs posted and maintained by the owner/operator, and shall not reopen without prior written approval being obtained from the DEHS. Periodic sampling for specific pathogens shall be required if ordered by the Health Officer. WCRR which utilize an approved filtration and disinfection system may, upon approval by the DEHS, maintain a daily log of disinfectant and pH test readings in lieu of microbiological sampling. Fecal coliform sampling shall be conducted prior to the commencement of each season's use and as requested by the DEHS. Routine water samples shall be obtained from representative portions of the swim area at a depth of two (2) feet. Microbiological analysis shall be made in accordance with procedures recommended by the latest edition of the "Standard Methods for Examination of Water and Sewage" of the American Public Health Association.

Renumbered and restated Ordinance #3105 (1986)

33.115 DEHS Plan Review/Construction/Operational Permits Required.

(a) No person or entity shall commence any construction activities for any WCRR without plan review and construction permits first being obtained from the DEHS and Building and Safety as provided for by the code of this jurisdiction. Special studies and data prepared by a registered civil engineer shall be furnished to the DEHS, sufficient to demonstrate due consideration of, and every reasonable elimination of, threats to the user public's health and safety. The requirement for special engineering studies may be waived by the Director of the DEHS if it is determined that such an omission will not adversely affect the design, construction, operation and/or maintenance of the resort in question from the viewpoint of public health and safety. Facilities shall be built according to approved plans unless changes are approved in writing by the DEHS. The owner shall notify the DEHS of the completion of a WCRR at least one (1) week in advance of the anticipated opening or operation of the facility.

(b) No person or entity shall own, operate, or allow the operation of any public swimming pool, or related public pool, or water contact recreational resort (WCRR) without first applying for, receiving, and retaining an unexpired, unsuspended, unrevoked operational permit for each facility from the DEHS. Service and related fees shall be paid to the DEHS in those amounts specified in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986)

33.116 General Construction Requirements of all Water Contact Recreational Resorts (WCRR).

WCRR have complex, unique and/or peculiar public health and safety risks that require special engineering studies and consultation with DEHS prior to their construction or operation. Each operation is customized and will require an individual evaluation by DEHS as to the potential public health and safety threats. Specific construction details or specifications for the facility and its support operations, as required by DEHS, shall conform to recognized safety engineering principles.

(a) Engineering Studies Required. Every proposed operation shall adequately consider by means of detailed engineering studies every reasonably anticipated potential hazard of a mechanical, chemical, microbiological and other relevant danger.

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(b) Facilities shall comply with Federal or State standards where more stringent than those contained herein.

Renumbered and restated Ordinance #3105 (1986)

33.117 Access Devices.

Access Devices are any artificial means to effect entry into the WCRR, such as diving boards, slides, water flumes, ropes, cargo nets, and swings.

(a) Diving Boards: Diving boards, when used, shall be installed and used only under conditions safe for both divers and bathers.

(1) At least fifteen (15) feet of free and unobstructed head room is to be provided above diving board and towers;

(2) No diving board or platform shall be more than ten (10) feet above water level for unrestricted use by patrons;

(3) Where diving boards or platforms are used, they shall be structurally sound and in good repair;

(4) Where a diving board not greater than one (1) meter high is used, the water depth under the board shall be a minimum of eight (8) feet six (6) inches; this depth to extend a minimum of ten (10) feet in front of the end of the board; beyond this point, the slope of the bottom upwards toward shallow water shall not be steeper than one (1) foot vertical for each three (3) feet horizontal. A side clearance depth of eight (8) feet six (6) inches shall extend a minimum of ten (10) feet as measured from the edge(s) of the platform and/or board.

(5) For a three (3) meter (ten [10] foot) board, the water depth under the board shall be at least twelve (12) feet, this depth to extend a minimum of fifteen (15) feet in front of the end of the board; beyond this point, the slope of the bottom upward toward shallow water shall not be steeper than one (1) foot vertical for each three (3) feet horizontal. A side clearance depth of twelve (12) feet shall extend a minimum of fifteen (15) feet as measured from the edge(s) of the platform and/or board.

(b) Slides, Water Flumes, Ropes and Swings: All entry devices including those cut into the slope of a natural hillside, into an artificially excavated hill, or supported by a structure, shall be designed and built to provide a safe entry, support strength and proper angle alignment for the access devices.

(1) Materials Selection and Finishing: The selection of all component and accessory materials shall be such that all parts with external surfaces and edges that may come in contact with the user are assembled, arranged, and/or finished (deburred, polished) so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact and intended use. All components shall be carefully analyzed to ensure that the materials will not degenerate or decompose with time or exposure to the elements of nature.

(2) Structural Design: The owner and a registered civil engineer shall have the responsibility for the safe design and construction of the entire facility. The access device's structural design shall be in accordance with generally accepted structural engineering practice and provide a sound, durable structure which will safely sustain all dynamic and static stresses involved. Flumes and pools shall be watertight. All water contact surfaces shall be of inert, nontoxic materials, smooth and easily cleanable. All parts and components shall be accessible for cleaning and safety inspection purposes.

(3) Flume Exit System: A flume exit system shall be provided so that safe entry into the splash area is accomplished for all deceleration distance(s), and for attitude

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control prior to entry. Every design shall assure a safe exit velocity and attitude control of the user under normal use.

(4) The splash area shall be designated and separated with safety ropes and buoys and from the general swimming area.

(5) Sufficient numbers of attendants shall be on duty at the entry areas at all times slides are available for use. Clear, unobstructed vision to all entry and exit areas occupied by participants shall be provided.

(c) All structural elements, including pools, building, access devices or structures affecting the public shall be inspected for safe operation and maintenance by a registered civil engineer at least once a year prior to any use if the facility is seasonal, or at six (6) month intervals for access devices in continuous operation. A signed inspection report shall be provided to the owner/operator with a copy to the DEHS.

Renumbered and restated Ordinance #3105 (1986)

33.118 Domestic Water Supply.

Where water is available for domestic purposes at water contact recreational resorts, it shall:

(a) Be from an approved water system holding a permit granted by the State or the DEHS and meet the criteria of the California Health and Safety Code and the California Administrative Code, Title 25, with respect to water quality and quantity.

(b) Be delivered in sufficient quantity and with sufficient pressure to assure the satisfactory functioning of all fixtures served by the water supply.

(c) Be protected at actual or potential connections with systems containing water that is not approved as safe and potable for human consumption with acceptable back flow prevention devices to prevent contamination of the drinking water system.

Renumbered and restated Ordinance #3105 (1986)

33.119 Sewage Discharge.

No person, firm or public agency shall maintain a resort where bathers are invited or permitted to use any WCRR when the waters thereof are within the zone of degradation and active decomposition of known sewage discharge.

(a) No WCRR shall be located where a sewage discharge is known to exist in the immediate vicinity of, or immediately upstream from bathing areas.

(b) Dilution and time of travel between point(s) of known sewage discharge and the bathing area shall be sufficient to allow natural purification to occur so that the presence of harmful organisms of sewage origin is unlikely.

Renumbered and restated Ordinance #3105 (1986)

33.1110 Toilets and Lavatories.

Adequate sanitary toilet facilities shall be provided:

(a) Separate toilet facilities shall be provided for each sex;

(b) Toilets, urinals and lavatories shall be provided as required by the latest edition of the Uniform Plumbing Code, Appendix C, "Assembly Places for Public Use."

(c) Urinals and toilets shall be so located that they are easily accessible to the bathers;

(d) Water flush toilets shall be provided wherever possible. Where chemical toilets

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are permitted, they shall be from an approved source and serviced on a regular basis by a permitted operator.

(e) All toilets shall be kept clean and in working order, shall be properly serviced with toilet paper, and shall be maintained in good repair.

(f) Lavatories shall be located adjacent to toilets and shall be provided with running water. Hand washing detergent or soap and sanitary towels in dispensers or air blowers shall be provided.

Renumbered and restated Ordinance #3105 (1986)

33.1111 Showers.

Where such facilities are provided they shall be sanitary and adequate.

(a) Running water under pressure shall be available;

(b) Soap shall be provided in dispensers or containers on indoor showers;

(c) Tempered water should be provided at all showers;

(d) Showers shall be of such design that a proper mixture of hot and cold water may be obtained without danger of scalding the bather. Where hot water is available, its temperature shall not exceed 110°F.

Renumbered and restated Ordinance #3105 (1986)

33.1112 Dressing Rooms.

Dressing rooms shall be present where indoor showers are provided, and shall be sanitary and adequate. Dressing rooms shall be constructed and finished in a safe and sound manner.

Renumbered and restated Ordinance #3105 (1986)

33.1113 Floors, Walks and Walls.

Floors and walks of shower, locker, dressing and toilet rooms, and walls adjacent thereto shall be constructed and maintained so that they will, at all times, be safe and sanitary.

(a) Floors and walls of shower, locker, dressing and toilet rooms shall be of a smooth, washable material capable of withstanding repeated flushing with a hose;

(b) Partitions shall be waterproofed to a height of twelve (12) inches above the floor or terminate at least eight (8) inches above the floor;

(c) Floors and walks shall be hosed down daily;

(d) Floors and walks of change rooms, dressing rooms, showers and hallways which are apt to be wet, shall be constructed of toughened cement, tile or other impervious material so as to reduce slip hazards; such floors and walks shall be laid on an even pitch of one quarter (1/4) inch to three-eighths (3/8) inch per foot; and shall be maintained in good repair;

(e) All floors shall drain into covered sanitary drainways or floor drains;

(f) A system of piped water with an adequate number of hose bibbs shall be provided to enable the flushing of all floors.

(g) Walls and ceilings of dressing rooms may be constructed of other materials approved by the DEHS.

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33.1114 Lighting.

Artificial lighting shall be provided for all bathhouses and dressing rooms that are to be used at night and for those that do not have adequate natural lighting.

(a) Lighting fixtures shall be of such number and design that all areas of the WCRR are adequately illuminated.

(b) Arrangement and design of the lights shall be such that lifeguards may see clearly every part of the bathing waters, the beach, all diving boards, towers, floats and other appurtenances without being blinded by the lights; underwater lights shall be present and adequate where nighttime swimming occurs.

(c) All lights shall be adequately protected to prevent breakage and electrical shock hazards.

Renumbered and restated Ordinance #3105 (1986)

33.1115 Ventilation.

All structures and enclosed patios shall be adequately ventilated.

Renumbered and restated Ordinance #3105 (1986)

33.1116 Bathing Suits and Towels.

Where bathing suits and towels are furnished by the WCRR management, they shall be properly laundered and sanitized.

(a) Bathing suits and towels shall be thoroughly washed, rinsed and dried after each use, and when issued, shall be in a condition equal to that produced by commercial laundries;

(b) Bathing suits and towels shall be gathered up promptly after their use and not allowed to litter the premises;

(c) Clean suits and towels shall be kept separate from dirty suits and towels.

Renumbered and restated Ordinance #3105 (1986)

33.1117 Health Requirements.

No person having a communicable disease shall be employed in any capacity at any WCRR. All persons known to be, or suspected by the DEHS or the management of being afflicted with a communicable disease, shall be excluded from the WCRR, until clearance is obtained from the Health Officer or a licensed physician.

Renumbered and restated Ordinance #3105 (1986)

33.1118 Refuse Handling, Control of Rodents and Insects.

Every WCRR and its environs shall be maintained in a clean condition, free of refuse. All rodent harborage and insect breeding areas shall be eliminated.

Renumbered and restated Ordinance #3105 (1986)

33.1119 Notices for Bather Safety/Protection.

Notices shall be posted regulating the conduct and the improper practices of bathers.

(a) Notices shall be posted about the premises requesting bathers to make use of

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the toilets, and where available, showers, before entering the water. The DEHS may require posting of notices regulating public conduct.

(b) Notices shall be posted regarding exclusion of persons with a communicable disease;

(c) Where no lifeguard is provided, a warning sign shall be placed in plain view along beach shorelines at reasonable intervals and shall state "Warning -- No Lifeguard on Duty, Children Under Age of 14 Should Not Use Without An Adult in Attendance," with clearly legible letters at least four inches (4") high (10.2 cm).

(d) At all WCRR, diagrammatic illustrations of approved mouth-to-mouth artificial respiration procedures shall be posted. Such illustrations shall be protected against the elements. The emergency telephone number "911" shall be prominently posted.

Renumbered and restated Ordinance #3105 (1986)

33.1120 Temporary Waiver by Director of Environmental Health.

Existing WCRR that do not meet current construction standards may be granted two (2) years from the date of the adoption of this Chapter to comply. The director of the DEHS may waive certain requirements for noncomplying facilities, on an individual basis where such waiver would not adversely affect public health and safety.

Renumbered and restated Ordinance #3105 (1986)

33.1121 Violations/Remedies/Penalties.

It shall be unlawful for any person or entity to violate any provision of this Chapter. Except as provided herein, all remedies/penalties of Chapters 1, 2, and 3 of this EHC shall apply to this Chapter, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986)

Article 2 NATURAL WATER RECREATIONAL RESORT (NWRR)

33.1122 Design and Construction of Natural Water Recreation Resort (NWRR).

For bathing beaches along lakes and water courses, or natural settings with partial artificial construction or development, evaluation of the suitability shall include:

- (a) A sanitary survey of the area's watershed;
- (b) How water quality is affected by the area's meteorology;
- (c) Any epidemiological data linking illnesses to use of the area;
- (d) The water circulation and dilution patterns;
- (e) Hazard analysis for the location or submerged objects, sharp drop-offs, stability of bottom, slopes and depths, dangerous currents, eddies and deep pools and water clarity;
- (f) The proposed activities and access devices;
- (g) Plan review.

Renumbered and restated Ordinance #3105 (1986)

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33.1123 Hazard Control.

(a) The waters and environs of all NWRR bathing area(s) shall be kept free of slime, algae, aquatic growths, organic sediments, debris and other offensive materials to the extent necessary to prevent accidents, drownings and public nuisances. The breeding of mosquitoes, midges, water snails, and other aquatic pests shall be properly controlled.

(b) Hazards:

(1) No person or entity shall allow the use of any NWRR without first and periodically thereafter carefully sounding the depth of the water in the bathing area, and locating all eddies, pools, and dangerous currents, sunken logs, projections and obstructions in the stream, river or lake.

(2) No person or entity shall allow use of any NWRR without posting prominent signs indicating, in conspicuous letters at least four inches (4") high (or as directed by the DEHS) the depth of the water in the bathing area, the location of all pools and eddies, and the presence and direction of dangerous currents, sunken logs, rocks, projections, and obstructions in the water. The signs shall be placed and permanently maintained adjacent to the bathing area when bathing and/or swimming is permitted or invited.

(3) No person or entity shall maintain a NWRR unless safety ropes and buoys are so located and permanently maintained wherever necessary to show the location of eddies, pools, dangerous currents, sunken obstructions, and other hidden dangers to bathers in the water.

Renumbered and restated Ordinance #3105 (1986)

33.1124 The Design and Construction of NWRR Where a Direct Fee is Charged or With Access Device(s).

(a) Shape: The bathing shorelines shall be formed and maintained in wide curves, shall avoid sharp angles or narrow confined inlets and shall otherwise avoid any design likely to impede circulation, obstruct visibility, or create any public health or safety hazard. A supplemental means of circulation (inflow and outflow of water) shall be provided as necessary if evidence of present inadequate circulation is observed by the enforcing agent. Such supplemental circulation methods shall first be approved by the DEHS.

(b) Design and Operation of Swimming/Wading Areas: All swimming/wading and similar water contact activities shall be restricted to specified areas which shall be conspicuously marked by buoys located at the four and one-half (4-1/2) foot depth, and at the outer perimeter of said areas. Such buoys shall be placed at proper intervals, be of such size, and be marked with numerals/colors or signs sufficient to inform users of the water depth at such buoys, and shall otherwise be sufficient to warn users and boaters of the deep water swimming area limits. The bottom slope of the swimming/wading areas from the shoreline to the four and one-half (4-1/2) foot depth shall be not more than one (1) foot vertical in each twelve (12) feet horizontal.

(c) Bottom Composition: The bottom of the swimming and wading area from the shoreline to the four and one-half (4-1/2) feet depth shall be covered with river-run rounded sand particles or other approved light-colored material, and sufficiently thick to prevent abrasion of feet by rocks and to contrast a submerged bather's body against a light-colored background.

(d) Surface Drainage: Except for natural springs and streams all surrounding surface

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drainage, such as from streets, gutters, and every other significant source of polluted water from the land surrounding the body of water, shall be properly diverted away from the water body and disposed of in such a manner so as to not create a public nuisance. Minor flows into the body of water may be permitted by DEHS when water quality standards are not adversely affected. When run-off and drainage create significant public health risks, water contact shall be halted immediately and warning signs shall be conspicuously posted and maintained by the operator. Water contact shall not resume without written approval from DEHS.

(e) Lifeguards: One of the following methods shall be used for determining the number of lifeguards: 1. At least one lifeguard shall be assigned for each seventy-five (75) bathers or fraction thereof. Under special circumstances (such as impaired water clarity beyond a depth of two [2] feet) additional lifeguards shall be required, with at least one (1) lifeguard per twenty-five (25) bathers or fraction thereof; 2. or a lifeguard safety plan shall be submitted which includes stationing and areas of responsibility. The plan should include and consideration be given to pool depth, wave action, line of sight, bather loads, training procedures, emergency procedures, lifeguard rotation, and other special conditions which might affect the safety of the bathers. The plan must ensure the safety of bathers and be on file with the enforcing agent.

Lifeguards shall possess qualifications at least equivalent to those provided at California Health and Safety Code, Section 24100.1 and shall additionally possess an unexpired card showing completion of an approved cardiopulmonary resuscitation (CPR) course, and be in good physical condition. Lifeguard stations shall be located as close as practicable to the bathing area shoreline and within thirty (30) feet of the shoreline. Lifeguards shall be isolated from the user public by occupying elevated seats or stands. All lifeguards on duty shall be identified by distinguishing apparel, emblems or signs. When on duty, lifeguards shall not perform any other duty, and shall not be in the water except in the line of duty. Lifeguards shall be provided with adequate safety equipment such that they may properly perform their duties. Rescue equipment shall be readily available to each rescue station and include rescue tubes/buoys, swim masks, life rings with attached rope, and rescue boards or boats, as may be required by the DEHS. When any lake is of such size that unaided swimming by lifeguards may not offer sufficient protection to swimmers, the DEHS may require that one or more square stern boats be provided. Safety equipment shall be accessible, plainly marked, and kept in good repair.. Adequate first aid supplies shall be present, and include at least one (1) American Red Cross twenty-four (24) Unit or equivalent first aid kit. Every NWRR shall at all times have an approved back board, stretcher, and blankets readily available for emergency use only.

(f) Communication: Telephone/radio equipment shall be readily available and operable at or near the lifeguard stations such that outside emergency aid/personnel can be quickly summoned. The "911" emergency number shall be posted at the nearest telephone(s).

(g) Clarity: Water clarity should be maintained so that the entire bottom is visible from the lifeguard stations. For nonrestricted use, a minimum visibility of four and one-half (4-1/2) feet shall be maintained within the entire designated swim area whenever it is open. Warning signs for impaired water clarity shall be conspicuously posted whenever the minimum visibility cannot be maintained. A registered civil engineer should be consulted for remedial measures to be taken on the bottom composition if the water clarity is impaired. The bathing area shall be closed when clarity is so impaired that a six inch (6' ') black disc on a white background is not clearly visible at a two (2)

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foot depth. Appropriate signs indicating the swimming/bathing area closure, and the reason for said closure, shall be conspicuously posted by the owner/operator. The swimming/bathing area shall not be placed back into operation without written permission from the DEHS.

(h) Bathing Capacity: A minimum of twenty-five (25) square feet of water surface area per bather shall be provided in the shallow water area depths less than four and one-half (4-1/2) feet, and at least seventy-five (75) square feet per bather shall be provided per bather in deeper areas.

Renumbered and restated Ordinance #3105 (1986)

33.1125 The Design and Construction for NWRR Where no Direct Fee is Charged, and Without Access Devices.

(a) A designated swimming and/or wading area shall be provided per Section 33.1124(b) with bottom composition per Section 33.1124(c) and with water clarity per Section 33.1124(g).

(b) Safety equipment and signs shall be provided and maintained and will include, but are not limited to: Life Ring or throw buoy and line, Rescue Boat per California Health and Safety Code Section 24001; signs: "Warning, No Lifeguard on Duty, Children Under 14 Should Not Use Without An Adult In Attendance"; an approved mouth-to-mouth artificial respiration diagram; emergency "911" phone number; and a minimum ten (10) unit first aid kits. Signs shall be located so as to be protected from the elements.

Renumbered and restated Ordinance #3105 (1986)

Article 3 ARTIFICIAL WATER RECREATION RESORT (AWRR)

33.1126 Design and Construction of Artificial Water Recreation Resort (AWRR).

For AWRR of less than twenty thousand (20,000) square feet, "The Design, Construction, Operation and Maintenance of Public Swimming Pools" (excerpts from California Health and Safety Code, California Administrative Code, and Uniform Building Code, published by the State Department Health Services) shall apply, with exceptions as specified in Section 33.1130(c), herein. For AWRR of twenty thousand (20,000) square feet or more, the Article 2 standards shall apply except as specified in Section 33.1131 herein.

Renumbered and restated Ordinance #3105 (1986)

33.1127 Domestic Water Supply.

A safe and adequate water supply shall be available for all domestic purposes at AWRR, meeting Article 1, Section 33.118 requirements, herein.

Renumbered and restated Ordinance #3105 (1986)

33.1128 Ancillary Areas and Facilities.

All AWRR shall comply with C.A.C., Title 24, Sections 2-9021, 2-9022, 2-9023.

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33.1129 Clarity.

AWRR waters shall be maintained in as clear a condition as practical. In every portion of all artificially constructed swimming/wading areas, the water shall be sufficiently clear so that during all periods of use, the body of a person on any part of the bottom shall be readily visible at one (1) or more lifeguard stations. The DEHS shall order the closure of the water contact areas for those facilities less than twenty thousand (20,000) square feet, failing to meet C.A.C., Title 22, Section 65527. For AWRR greater than twenty thousand (20,000) square feet, or in existing AWRR where natural occurring conditions, *i.e.*, clay bottom, aquatic plant growths, interfere with ready compliance with the above clarity standards, the DEHS may allow for temporary substitute safety measures, including additional lifeguard supervision, if it appears that such additional temporary safety measures will sufficiently compensate for the turbid water condition, so as to adequately protect bathers' safety, until effective and approved permanent corrective measures are developed. If such additional safety measures are not deemed effective, the swimming area shall be closed upon order of the DEHS until such time as the water clarity has improved to an acceptable level. Acceptable shall mean that a six (6) inch black disk on a white background is clearly visible at a minimum depth of four and one-half (472) feet.

Renumbered and restated Ordinance #3105 (1986)

33.1130 The Design and Construction for All AWRR Less Than Twenty Thousand (20,000) Square Feet, or Where There is an Access Device.

(a) The California Health and Safety Code, Div. 20, Chapter 1, Section 24100-24109 shall apply.

(b) C.A.C. Title 22, Chapter 20 shall apply.

(c) C.A.C. Title 24, Chapter 2-90 shall apply with the following exceptions:

(1) Basin Construction. C.A.C. Title 24, Section 2-901 I(c) shall allow light (pastel) colors other than white when approved by the DEHS.

(2) Basin Geometry without access device(s) shall provide a shoreline which is self-draining and shall be formed in wide curves, avoiding sharp angles or narrow confined inlets which can impede circulation or obstruct visibility. Surface drainage shall be diverted away from the AWRR and not allowed to flow into the water, except for minor flows which would not adversely affect water quality.

(3) Decks shall not be required where public access may create a hazardous condition (access device exit areas). Where a deck is required for exit from basins provided with access devices, the exit area shall be at least eight (8) feet wide.

(4) Turnover Time. The recirculation and purification system shall have sufficient capacity to provide a complete turnover of basin water: with access device(s) in thirty (30) minutes or less, without access device(s) six (6) hours or less (or as needed to provide adequate turnover).

(5) Perimeter overflow systems may be used in combination with surface skimmers if hydraulically designed in accordance with acceptable engineering principles.

(6) Lifesaving, First Aid, and Control of Bathers. At least one (1) lifeguard shall be assigned for each fifty (50) occupancy or fraction thereof. Additionally, Article 2, Section 33.1124(e) and Section 33.1124(f) shall apply.

(7) Signs -- Occupant Load. A sign with clearly legible letters not less than four (4) inches high shall be posted in a conspicuous place near the entrance to the

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swimming area which shall include the number of occupants permitted. A minimum of twenty-five (25) square feet of water surface area per bather shall be provided in all water areas with a depth less than four and one-half (4-1/2) feet and at least seventy-five (75) square feet per bather shall be provided in deeper areas.

(8) Emergency Shut-Off Switch. A prominently marked emergency shut-off switch for the control of the mechanical recirculation system shall be installed adjacent to the primary lifeguard station.

33.1131 The Design and Construction for AWRR With a Surface Area Twenty Thousand (20,000) Square Feet or More, and Without Access Devices.

The Article 2 standards shall apply, with the following exceptions: Bottom composition of the swimming and wading area shall be concrete or other approved material from the shoreline to at least the four and one-half (4-1/2) feet depth minimum.

Renumbered and restated Ordinance #3105 (1986)

Article 4 ENCLOSURE OF POOL AREAS

33.1132 Enclosure of Pool Areas.

Pool enclosure requirements, per the C.A.C., Title 24, shall apply to all pools under the jurisdiction of DEHS, and shall meet the following additional requirements:

(a) Local Building Department(s) enclosure regulations which are more stringent than State code shall apply.

(b) Any pool constructed/reconstructed/remodeled after the effective date of this chapter shall not have any residences or dwelling units which open directly onto the pool area or deck. Where it is impractical for existing pools to meet this requirement, such pools may be granted an exemption on a case-by-case analysis by DEHS. All pool plans hereafter submitted to the DEHS shall show compliance with this requirement. Final inspection and approval by DEHS of all such pools shall be withheld until compliance is accomplished.

Renumbered and restated Ordinance #3105 (1986)

VEHICLE ABATEMENT AND REMOVAL PROGRAM

Chapter 12

VEHICLE ABATEMENT AND REMOVAL PROGRAM

Sections:

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- 33.125 Definitions.
- 33.1210 Public Nuisances.
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33.121 Authority.

(a) Pursuant to the authority cited in Division 3 of Title 3 of the San Bernardino County Code, California Vehicle Code Sections 22660 and 22669, California Government Code section 25845, and the authority granted by the State and California Constitution Art. XI, Section 7, the San Bernardino County Board of Supervisors authorizes the Chief of the County Fire Department (CFD) of the County of San Bernardino and its designated employees to enforce the provisions of this chapter within the unincorporated areas of San Bernardino County and to enforce provisions of city ordinances relating to abatement and removal of vehicles provided such cities contract to have such service performed by the County Fire Department. This authority includes the right to enter private or public property for the purposes specified in this chapter, to examine a vehicle or parts thereof, to obtain information as to the identity of a vehicle and remove or cause the removal of a vehicle or part thereof declared to be a nuisance. For purposes of this chapter, all references to DEHS shall be replaced by CFD, all references to the Director of DEHS shall be replaced by the County Fire Chief, and all references to employees of DEHS shall be replaced by employees of CFD.

(b) Any person interfering with or refusing entry to property to any county or contracted service employee performing duties under this chapter shall be guilty of a misdemeanor and, upon arrest and conviction, shall be punished by a fine not in excess

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of five hundred dollars (\$500), and imprisonment of not more than ninety (90) days, or both. This includes all attempts to retrieve, remove or relocate vehicles at the onset of or during the abatement and removal process by the County and/or its contractors.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.125 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, phrases used in this chapter are defined as follows:

(a) "Abandoned Vehicle" shall be a vehicle which is located on public or private property without the express or implied consent of the property owner or person in lawful possession or control of the property.

(b) "Administrative board" shall be a body appointed by the director to hear appeals under this chapter and shall consist of three (3) persons.

(c) "DEHS" shall be the Department of Environmental Health Services of the County of San Bernardino.

(d) "Director" shall be the Director of the Department of Environmental Health Services of the County of San Bernardino.

(e) "Dismantled" shall mean that integral component parts necessary to operate the vehicle on a highway, roadway or public street have been removed from the vehicle.

(f) "Fee" shall be any amount of money charged, fined, or paid to DEHS relating to the administrative and/or enforcement costs incurred for the purpose of enforcing this chapter.

(g) "Inoperable" shall mean the vehicle is absent a motor, transmission, wheels or any other part or equipment necessary to operate safely on a highway, roadway or public street.

(h) "Junked" shall mean a vehicle which has been destroyed or damaged to such an extent that it is nonrepairable.

(i) "Lien sale" shall mean a sale of a vehicle to obtain legal ownership of a vehicle under title or requiring registration, under the California Vehicle Code.

(j) "Owner" shall be any person or entity having legal or rightful title in any personal property or real property subject to the provisions of this chapter.

(k) "Owner of the vehicle" shall be the last registered owner and legal owner of record.

(l) "Person" includes a natural person, firm, copartnership, association, or corporation.

(m) "Private property" shall be property owned by a person other than a public entity.

(n) "Public property" shall be property owned by a public entity.

(o) "Licensed dismantler's yard" shall be premises used for dismantling or wrecking of vehicles, where there is buying, selling or dealing in such vehicles, their integral parts, or component materials thereof, and the sale of dismantled, partially dismantled, wrecked or inoperative vehicles.

(p) "Roadway" shall mean that portion of a highway which is improved, designed or ordinarily used for vehicular travel, including improved shoulders.

(q) "Unattended vehicle" shall be a vehicle for which the licensed driver responsible for the same is not within an audible distance and immediately available for moving said vehicle.

(r) "Vehicle" shall be any device by which persons or property may be propelled,

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moved, or drawn upon a highway, and shall include all types of motor vehicles, but shall exclude devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

(s) "Wrecked" shall mean a vehicle which has been damaged to such an extent that it is only semirepairable and/or uneconomical to repair.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1210 Public Nuisances.

Pursuant to the determination made, and the authority granted by the state under § 22660 of the California Vehicle Code to abate and remove abandoned, dismantled, inoperative, junked, and wrecked vehicles, and/or parts thereof as public nuisances, and in accordance with the County's constitutional police power authority, the San Bernardino County Board of Supervisors makes the following findings and declaration:

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property (other than streets and highways which are regulated by the Vehicle Code) is found to create a condition tending to reduce the value of private and public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public. Therefore, the presence of abandoned, dismantled, inoperative, junked or wrecked vehicles or parts thereof on private or public property (other than on streets, public roadways, alleys, rights-of-way and highways) in the unincorporated area of San Bernardino County except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1215 Exceptions.

This chapter shall not apply to any vehicle or parts thereof which is completely enclosed within a building consisting of four (4) walls and roof in a lawful manner, where such vehicle is not visible from the street or other public or private property or a vehicle or parts thereof which is stored or parked in a lawful manner on property used in connection with the business of a licensed dismantler, garage, vehicle dealer or junkyard. This exception shall not authorize the maintenance of a public or private nuisance as defined under the provisions of law other than this chapter.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1220 Chapter Supplement to Existing Law.

This chapter is not the exclusive regulation of abandoned, dismantled, inoperative, junked or wrecked vehicles or parts thereof, or public nuisances within the County. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the County, the State, or any other legal

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entity or agency having jurisdiction.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1225 Prohibited Uses.

Any abandoned, dismantled, inoperative, junked or wrecked vehicles or parts thereof, or fully or partially disassembled vehicle (including vehicles without hood, fenders, engines, body panels, headlights, trunk lid, wheels, windows or windshields) when placed or kept for more than seventy-two (72) hours in residential, commercial or industrial sites (except licensed vehicle impound storage yards, garages, vehicle dealers, junkyards and/or dismantling yards), and visible from outside the parcel of land upon which such is or are kept, is prohibited and constitutes a violation of this chapter.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1230 Duty to Abate.

No person shall cause, permit, maintain, conduct or otherwise allow an abandoned, dismantled, inoperative, junked, or wrecked vehicle or parts thereof to be openly stored, within the unincorporated area of San Bernardino County. It shall be the duty of every owner, and/or occupant, in control of any land located within the unincorporated area of San Bernardino County to remove, abate, and prevent the recurrence of open storage of such a vehicle. Any recurrence of such condition of a specific vehicle on the same property may be deemed a continuation of the original condition and additional notification requirements under §33.1240 and §33.1290 shall not be required.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1235 Emergency Abatement and Other Services.

(a) Emergency abatement. When a vehicle defined by this chapter as a public nuisance constitutes an immediate hazard or threat of harm and the situation calls for abatement sooner than the abatement procedures herein allow, DEHS, the Director of Transportation, or Sheriff's Department may take or cause emergency removal of such nuisance with such notice to parties concerned, or without notice, as the particular circumstances reasonably allow. Required notification procedures prior to disposal of such vehicle(s) shall be followed.

(b) Request for Service. If any member of the public, except self-storage operators, requests DEHS in writing to remove abandoned, dismantled, inoperative, junked or wrecked vehicles or parts thereof, DEHS is authorized to provide processing and removal for a fee which covers all DEHS costs. The removed abandoned, dismantled, inoperative, junked or wrecked vehicles or parts thereof, through transfer of title or lien sale process shall become the property of San Bernardino County and such will be the responsibility of the County to dispose of according to law.

(c) Complaints. DEHS will investigate anonymous complaints associated with abandoned, dismantled, inoperative, junked or wrecked vehicles or parts thereof. The complaint may be phoned in or be in writing and must have situs address and/or assessor parcel number with a description of the violation. The process referring to

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"Notice of Intent to Abate and Remove" will be utilized for abatement if such is determined to be appropriate.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1240 Abatement Procedures for Vehicles Which are a Public Nuisance.

A ten-day "Notice of Intent to Abate and Remove" shall be given to the property owner to remove the vehicle or vehicles or parts thereof, as a public nuisance, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. Notification shall be given either by personal delivery or posting the property, and shall be mailed by registered or certified mail addressed to the property owner at his/her last known business or residence address as the same appears in the public records of the last equalized assessment roll, and to the last registered and/or legal owner of the vehicle by registered or certified mail to the last address listed with the Department of Motor Vehicles. If such a vehicle is in such condition that identification numbers are not available to determine ownership, notice need not be given to the last registered and/or legal owner of the vehicle.

The notice shall be substantially as follows:

"You are hereby notified to abate this public nuisance by removal of the vehicle(s) or parts thereof within ten (10) days from the date of mailing of this notice. If you fail to do so, the public nuisance and such dismantled, wrecked, junked, inoperative, abandoned vehicles or parts thereof, will be abated and removed by San Bernardino County DEHS and/or contract services and all the costs for abatement and removal, together with administrative costs, may be assessed to the legal owner of the land on which the public nuisance and such dismantled, junked, abandoned, inoperative vehicle or parts thereof are located."

The notice shall also set forth the procedures and time period for filing an appeal. The notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he/she may appear in person at a hearing or may submit a sworn statement denying responsibility for the presence of the vehicle on the land, with his/her reasons for such denial, in lieu of appearing.

If the nuisance is not abated and a request for hearing has not been received within the time period given in the notice, DEHS is authorized to abate the nuisance.

A "Notice of Intent to Abate and Remove" shall not be required for removal of a vehicle or parts thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed; is valued at less than two hundred dollars (\$200); and is determined to be a public nuisance presenting an immediate threat to public health or safety; provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or parts thereof. Notice of intent to dispose of the vehicle or parts thereof shall be provided to the last registered and legal owners prior to final disposition. If the vehicle or parts thereof are not claimed and removed within twelve (12) days after the notice is mailed, San Bernardino County DEHS may authorize disposal of the vehicle and parts thereof. This paragraph shall only apply to inoperable vehicles located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

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Notice shall be given to the Department of Motor Vehicles within five (5) days after the date of removal of vehicles under this section, identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

No vehicle which has been abated or removed as a public nuisance shall thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates.

San Bernardino County DEHS and/or contract services shall not be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1245 Payment for Abatement of Vehicles Which are a Public Nuisance.

When abatement has been completed, the director of DEHS shall render to the San Bernardino County Auditor/Controller an itemized statement covering work necessary for the abatement. The Auditor/Controller shall pay the same from the funds of the agency causing said work to be done, and the director shall present to the property owner a demand for payment by mail. If payment is not made on behalf of the property owner within sixty (60) days after mailing of such bill, the director shall file a Notice of Pendency and certify to the Auditor/Controller the remaining unpaid cost. The Auditor/Controller shall cause the amount of the same to be entered upon the next succeeding secured tax roll. Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection from the person who was the property owner at the time of the abatement.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1250 Appeal of Abatement.

Upon written request by the legal owner of the vehicle under title or requiring registration under the California Vehicle Code, received by the DEHS within ten (10) days after mailing of the Notice of Intent to Abate and Remove, or a sworn written statement from the owner of the land, claiming nonresponsibility for the vehicle(s), a public hearing shall be held by the Administrative Board on the abatement and removal of such vehicle(s) and parts thereof as a public nuisance. The sworn written statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. The Administrative Board shall hear and act on appeals within sixty (60) days of filing and its determination shall be conclusive. The owner of the land on which the vehicle is located may appear in person at the hearing, or present a sworn written statement denying responsibility for the presence of the vehicle on the

VEHICLE ABATEMENT AND REMOVAL PROGRAM

land, with his/her reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he/she has not subsequently acquiesced in its presence, then the local authority shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner. Except as provided herein, the provisions of § 33.029 (Administrative Hearing Procedures) of Chapter 2 of this Code are incorporated herein by reference.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1255 Appeals of Charges.

Any appeal from charges for the cost of removal and abatement must be filed within sixty (60) days from the date of billing or mailing of a tax bill which shows abatement charges. Except as provided herein, the provisions of § 33.029 (Administrative Hearing Procedures) of Chapter 2 of this Code are incorporated here by reference.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1260 Cancellation of Charges.

All or any portion of any such special assessment, penalty, or costs heretofore entered, shall on order of the Administrative Board, be cancelled by the Auditor/Controller if uncollected, or, except in the case provided for in subdivision (5) hereof, refunded by the County Treasurer if collected, if it or they were entered, charged, or paid:

- (a) more than once;
- (b) through clerical error;
- (c) through the error or mistake of the Administrative Board, the Director, or the person designated by them to give notice to abate regarding any material fact relevant to the determination of a charge;
- (d) illegally;
- (e) the owner of the land was not responsible for the vehicle(s);
- (f) on property acquired after the lien date by the state or by any county, city, school district, or other political subdivision and because of this public ownership, not subject to sale for delinquent taxes.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1265 Procedure for Refund of Payment.

No order for a refund under the foregoing section shall be made except on a claim:

- (a) verified by the person who paid the special assessment, their guardian, executor, or administrator;
- (b) filed within three (3) years after making the payment sought to be refunded.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

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33.1270 Payment for Abatement of Abandoned Vehicles.

The abandonment of any vehicle on public or private property shall constitute a prima facie presumption that the last registered owner of record is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vehicle. When the abatement has been completed, the director of DEHS shall render to the San Bernardino County Auditor/Controller an itemized statement covering work necessary for abatement. The Auditor/Controller shall pay the same from the funds of the agency causing said work to be done, and the director shall present to the registered owner of the vehicle a demand for payment of the costs required for removal and disposition of the vehicle, not to exceed those for towing and seven (7) days of storage. If payment is not made on behalf of the registered owner of the vehicle within sixty (60) days after mailing of such bill, the director may issue an Abandoned Vehicle Citation and/or notify the Department of Motor Vehicles.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1275 Disposal of Vehicles Which are a Public Nuisance.

If a vehicle and parts thereof are removed from a property as a public nuisance, the vehicles or parts thereof shall be disposed of by removal to a scrap yard, licensed automobile dismantler's yard or any suitable site determined by San Bernardino County DEHS for processing as scrap.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1280 Abatement Procedures for Vehicles Which are Abandoned.

If an abandoned vehicle and parts thereof are removed from a property, and the estimated value of the vehicle is three hundred dollars (\$300) or less, a notice which states that the vehicle will be removed by the County DEHS shall be securely attached to the vehicle not less than seventy-two (72) hours before the vehicle is removed. Immediately after removal of the vehicle, the County DEHS and/or contract services shall notify the Stolen Vehicle System of the Department of Justice in Sacramento of the removal.

Within forty-eight (48) hours of the removal, excluding weekends and holidays, a notice shall be sent to the registered and legal owners of the vehicle by registered or certified mail to the last address listed with the Department of Motor Vehicles, and to any other person known to have an interest in the vehicle. This notice shall include the following information:

- (a) The name, address, and telephone number of County DEHS;
- (b) The location of the place of storage and description of the vehicle which shall include, if available, make, license plate number, vehicle identification number, and mileage;
- (c) The authority and purpose for removing the vehicle;
- (d) A statement that the vehicle will be disposed of fifteen (15) days from the date of the notice;
- (e) A statement that the owners and interested persons, or their agents, have an opportunity for a post-storage hearing if the request is made in person, in writing, or by telephone within ten (10) days from the date of the notice.

VEHICLE ABATEMENT AND REMOVAL PROGRAM

(f) Any requested hearings shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. Except as provided herein, the provisions of § 33.029 (Administrative Hearing Procedures) of Chapter 2 of this Code are incorporated herein by reference.

Failure of either the registered or legal owner or interested person or their agent to request or to attend a scheduled hearing shall satisfy due process post-storage hearing requirements.

If, after fifteen (15) days from the notification date, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post-storage hearing was made or a post-storage hearing was not attended, the County DEHS may authorize disposal of the vehicle.

If the names and addresses of the registered and legal owners of the vehicle are not available from the records of the Department of Motor Vehicles, the County DEHS may authorize disposal of the vehicle at any time after the removal.

Disposal of the vehicle may only be to a licensed dismantler or scrap iron processor. A vehicle disposed of pursuant to this section shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage or historical vehicle license plates.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1281 Abatement Procedures for Abandoned Vehicles Which are Valued at Greater than \$300.

After the abatement and removal process described in § 33.1280 has occurred, and the post-storage notification requirements described in § 33.1280 have been met, a lien sale will be conducted on every removed, abandoned vehicle with a value of over three hundred dollars (\$300), and such sale will be carried out if all fees and costs for the removal, storage and application for lien sale have not been paid and the vehicle has not been redeemed by the registered or legal owner of the vehicle. Once legal ownership has been transferred to the County by lien sale, the vehicle(s) or parts thereof will be sold on a regular scheduled date by an auction or other authorized, legal method permitted for the County.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1285 Procedure for Redemption of Vehicles.

A vehicle which is valued at three hundred dollars (\$300) or less, and which has been removed from a property by the County DEHS and/or contract services as an abandoned vehicle, may be redeemed by the registered or legal owner of the vehicle after payment of reasonable removal and storage costs, excluding lien sale costs, within fifteen (15) days of the mailing date of notification of removal.

A vehicle which is valued at three hundred dollars (\$300) or less, and which has been removed from a property by the County DEHS and/or contract services as a public nuisance, may be redeemed by the registered or legal owner of the vehicle after payment of reasonable removal, storage and lien sale costs within ten (10) days of the date of removal.

A vehicle which is valued at greater than three hundred dollars (\$300), and which

VEHICLE ABATEMENT AND REMOVAL PROGRAM

has been removed from a property by the County DEHS and/or contract services, may be redeemed by the registered or legal owner of the vehicle after payment of reasonable removal, storage and lien sale costs, within fifteen (15) days of the mailing date of notification of removal if abated as an abandoned vehicle, and within thirty (30) days of removal if abated as a public nuisance.

In no case shall the costs charged to the legal or registered owner for removal and disposition of an abandoned vehicle under this section exceed those for towing and seven (7) days of storage.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1290 Authorization to Enforce County Code and Vehicle Code Provisions.

Notwithstanding any other provision of this chapter, the Director of DEHS and his designated employees are authorized to remove abandoned and unattended vehicles pursuant to the provisions of County Code § 53.036 and abandoned vehicles pursuant to the provisions of Vehicle Code § 22669. In exercising this authority they shall follow all procedural and legal requirements applicable to said sections.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1295 Determination of Estimated Value of Vehicles.

For lien sale purposes, DEHS shall determine the estimated value of vehicles and maintain proper documentation and give notifications as required by the California Vehicle Code with respect to vehicles which are abated and removed under this chapter. DEHS shall determine whether the estimated value of a vehicle that has been ordered removed, towed or stored is three hundred dollars (\$300) or less; or over three hundred dollars (\$300) but less than or equal to one thousand dollars (\$1,000); or over one thousand dollars (\$1,000). All regularly employed and salaried employees of DEHS (including contract employees) are authorized to make appraisals to determine the value of vehicles abated or removed under this ordinance.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1298 Criminal Penalties.

Unless otherwise provided, any person, firm or corporation violating any provision of this chapter, other than the provisions of § 33.121(b), shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day or portion thereof such violation is in existence shall be a new and separate offense. Any person so convicted shall be:

(a) guilty of an infraction offense and punished by a fine of not less than fifty dollars (\$50) but not exceeding one hundred dollars (\$100) for a first violation;

(b) guilty of an infraction offense and punished by a fine not less than one hundred dollars (\$100) and not exceeding two hundred dollars (\$200) for a second violation;

(c) the third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000), or by imprisonment in the County jail for a term not exceeding six (6) months, or both.

VEHICLE ABATEMENT AND REMOVAL PROGRAM

Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor. In addition to the above penalties, such convicted person, firm, corporation or other entity may, in the discretion of the court, be ordered to reimburse DEHS for all necessary costs incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by DEHS or its agents pertaining to the violation.

The court shall fix the amount of any such reimbursements upon submission of proof of such costs by DEHS. Payment of any penalty herein provided shall not relieve a person, firm or corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

33.1299 Injunction.

Any use of property contrary to the provisions of this Code shall be and is hereby declared to be unlawful. Upon request of the Director of Environmental Health Services, or other County enforcement officer, an action for injunctive relief may be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts, which have jurisdiction to grant such relief, to abate or remove such use, and restrain and enjoin any person from using any property contrary to the provisions of this Code. It shall be the right and duty of every citizen to participate and assist the County officials in the enforcement of the provisions of this Code.

Amended Ordinance #2996 (1986); Amended Ordinance #3283 (1988); Amended Ordinance #3349 (1989);

MEDICAL WASTE

Title 3

MEDICAL WASTE

Sections:

- 33.1301 Authority.
- 33.1302 Definitions.
- 33.1303 Permits Required.
- 33.1304 Enforcement Activities.
- 33.1305 Medical Waste Generators, Transporters, and Treatment Facilities.
- 33.1307 Violations, Remedies, and Penalties.

33.1301 Authority.

Pursuant to the authority cited in Chapter 1 of Division 3 of Title 3 of the San Bernardino County Code and Chapter 6.1 of Division 20 of the California Health and Safety Code (Medical Waste Management Act), the Department of Public Health Division of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Chapter.

Ordinance 3846 (2002);

33.1302 Definitions.

Definitions herein shall supplement all definitions in state law pertaining to the generation, treatment, storage, transport, and disposal of medical waste, and shall include those of Chapters 1 and 3 of Division 3 of Title 3 of this Code.

(a) "Director" means the Chief of the Division of Environmental Health of the Department of Public Health.

(b) "Enforcement Agency" means the San Bernardino County Department of Public Health Division of Environmental Health Services.

(c) "Enforcement Officer" shall be any employee or agent so designated by the Chief of the Division of Environmental Health Services.

(d) "Large Quantity Generator" shall have the meaning assigned to that term by Section 25022.8 of the California Health and Safety Code.

(e) "Small Quantity Generator" shall have the meaning assigned to that term by Section 25025.8 of the California Health and Safety Code.

33.1303 Permits Required.

Within this jurisdiction, no person or entity shall generate, produce, treat, transport, store or dispose of medical waste without holding an unexpired, unsuspended, unrevoked permit or registration from DEHS to do so for each facility, location, and activity, and having paid those fees to DEHS specified by the San Bernardino County Code Schedule of Fees. Permits and fees, if any, shall also apply to limited quantity generators.

Ordinance 3846 (2002);

33.1304 Enforcement Activities.

Enforcement activities shall generally proceed as set forth in Chapters 1, 2, and 3,

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of this E.H. Code and relevant state law pertaining to the generation, transportation, treatment and storage of medical waste.

Ordinance 3846 (2002);

33.1305 Medical Waste Generators, Transporters, and Treatment Facilities.

Medical waste generators, transporters and treatment facilities shall, in addition to all other requirements of this Chapter, do the following:

(a) Each registered medical waste transporter, and each provider of a medical waste mail back system, as defined in California Health and Safety Code, subdivision (b) of Section 25094, shall provide to DEHS a list of all medical waste generators serviced by that person or firm during the previous twelve (12) months. That list shall include the (1) business name, (2) business address, (3) mailing address, (4) telephone number and (5) other information as required by DEHS to collect annual fees pursuant to California Health and Safety Code Section 25058 and Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

(b) When the transportation of medical waste by a medical waste transporter or the provision of a medical waste mail back system service begins after March 1, 1995, the initial list shall be provided to DEHS within ten (10) days of the close of the earliest calendar quarter ending September 30, December 31, March 31, and June 30, or as otherwise required by DEHS.

(c) Subsequent to providing the initial list pursuant to subdivision (a), registered medical waste transporters and providers of medical waste mail back systems shall submit to the local enforcement agency any changes made to the most recent list every three (3) months, within ten (10) days of the close of the calendar quarters ending September 30, December 31, March 31, and June 30, or as otherwise required by DEHS.

(d) Each medical waste generator, transporter or treatment facility shall pay all costs incurred by DEHS in the clean-up and proper disposal of all improperly disposed medical waste, where such clean-up and proper disposal is not substantially accomplished within two (2) hours after DEHS has notified the medical waste generator, transporter or treatment facility of the improper disposal.

Ordinance 3846 (2002);

33.1306 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Chapter. In addition to any other remedy or penalty provided by law, the remedies and penalties provided by Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter.

Ordinance 3846 (2002);

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CHAPTER 14

INSPECTION GRADING OF FOOD ESTABLISHMENTS

Sections:

- 33.1401 Authority.
- 33.1402 Food Program Official Inspection Report.
- 33.1403 Grading.
- 33.1404 Notice of Closure.
- 33.1405 Routine Inspection.
- 33.1406 Posting Requirements – Penalty for Non-Compliance – Documents Available for Public Review.
- 33.1407 Letter Grade Card – Period of Validity.

33.1401 Authority.

Pursuant to the authority cited in Chapter I (Authority and Administration) and Chapter 4 (Food Protection) of Division 3 of Title 3 of the San Bernardino County Code (hereinafter referred to as the “Code”), as well as Health and Safety Code section 113715, food establishments shall be subject to a grading system as provided in this Chapter. All provisions of Chapters 1, 2, and 3 of this Division shall apply to this Chapter except as otherwise provided herein.

Adopted ordinance 3930 (2004),

33.1402 Food Program Official Inspection Report.

Food Program Official Inspection Report (“OIR”) means the written report prepared and copy issued to a food establishment by the “Director” of the Division of Environmental Health Services, Department of Public Health, as defined in subsection 33.0115(c), or his designee, (“health official”) after conducting a Routine Inspection of a food establishment to determine compliance with all applicable federal, state, and local laws and regulations relating to the protection of public health. For purposes of this Chapter only, “food establishment” [as defined in subsection 33.042(c)] shall mean only a retail food establishment at a permanent location.

Adopted Ordinance 3930 (2004),

33.1403 Grading.

(a) “Grade” means the letter grade issued by the health official at the conclusion of the Routine Inspection of a food establishment. The grade shall be based upon the scoring method set forth in this section resulting from the OIR and shall reflect the food establishment’s degree of compliance with all applicable federal, state, and local laws and regulations relating to the protection of public health.

(b) “Letter Grade Card” means a card that shall be posted by the health official at a food establishment upon completion of a Routine Inspection that indicates the letter grade of the food establishment as determined by the health official using the scoring method set forth in this section and includes an Inspection Summary Report, as shown by Figures 1 through 3. An Inspection Summary Report is a summary of the OIR as defined in section 33.1402.

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Inspection Summary Report

For: _____

Address: _____

GRADE

BLUE

☐ NO CORRECTIVE ACTION REQUIRED

☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

<input type="checkbox"/> Food Handling	<input type="checkbox"/> Equipment Sanitation
<input type="checkbox"/> Food Temperature	<input type="checkbox"/> Equipment Maintenance
<input type="checkbox"/> Food Storage	<input type="checkbox"/> Facility Sanitation
<input type="checkbox"/> Food Source & Labeling	<input type="checkbox"/> Facility Maintenance
<input type="checkbox"/> Water Supply & Temperature	<input type="checkbox"/> Restrooms
<input type="checkbox"/> Utensil Washing & Sanitizing	<input type="checkbox"/> Pest Control
<input type="checkbox"/> Employee Practices	<input type="checkbox"/> Waste Management

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.B.C.C. § 33.1406(c)

San Bernardino County Department of Public Health, Division of Environmental Health Services
395 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415
(909) 387-1111

FIGURE 1

Nº 99999

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Inspection Summary Report

For: _____

Address: _____



GRADE

C

RED

☐ NO CORRECTIVE ACTION REQUIRED

☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

☐ Food Handling

☐ Food Temperature

☐ Food Storage

☐ Food Source & Labeling

☐ Water Supply & Temperature

☐ Utensil Washing & Sanitizing

☐ Employee Practices

☐ Equipment Sanitation

☐ Equipment Maintenance

☐ Facility Sanitation

☐ Facility Maintenance

☐ Restrooms

☐ Pest Control

☐ Waste Management

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.B.C.C. § 33.1406(c)

San Bernardino County Department of Public Health, Division of Environmental Health Services
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415
(909) 387-1111

FIGURE 3

N= 99999

FIGURE 3

(c) Any food establishment that fails to attain at least a “B” grade, as defined herein, shall be issued written notice, through an OIR, by the health official. The food establishment must correct the deficiencies listed in the OIR and must file a written request for a re-score inspection with the health official within 30 days of the OIR. A re-score inspection shall be conducted by the health official and be subject to a re-score inspection fee as provided in the Code, Schedule of Fees. The health official will complete the re-score inspection within ten (10) County business days of food

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establishment's filing of a written request for a re-score inspection. A food establishment failing to comply with the OIR, or failing to attain at least a "B" grade on the re-score inspection, may be immediately closed by the health official and remain closed until at least a "B" grade is achieved on a re-score inspection. Nothing in this provision shall prohibit the health official from immediately closing any food establishment if, at his discretion, immediate closure is necessary to protect the public health.

(d) The letter grade shall be based upon the final numerical percentage score set forth in the OIR as follows:

(1) A grade of "A" shall indicate a final score of ninety percent (90%) or higher, as determined by the health official;

(2) A grade of "B" shall indicated a final score of eighty-nine percent (89%) but not less than eighty percent (80%), as determined by the health official;

(3) A grade of "C" shall indicate a final score of seventy-nine percent (79%) but not less than seventy percent (70%), as determined by the health official.

Adopted Ordinance 3930 (2004),

33.1404 Notice of Closure.

"Notice of Closure" means a public notice that shall be posted by the health official at a food establishment upon suspension or revocation of the food establishment's public health permit and that results in the closure of the food establishment and the discontinuance of all operations of the food establishment, by order of the health official, because of violations of applicable federal, state, and local laws and regulations relating to the protection of public health. The Notice of Closure shall remain posted until removed by the health official. Removal of the Notice of Closure by any person other than the health official or the refusal of a food establishment to close upon issuance of the written notice of suspension of the public health permit is a violation of this Chapter and may result in the revocation of the food establishment's public health permit and shall be punishable as specified in section 33.0112 of this Code.

Adopted Ordinance 3930 (2004),

33.1405 Routine Inspection.

"Routine Inspection" means an unannounced inspection of any food establishment to determine compliance with all applicable federal, state, and local laws and regulations relating to the protection of public health. A Routine Inspection shall not mean an inspection conducted by the health official to determine compliance with a previously issued OIR or any interim inspection conducted to determine compliance with specific regulations or legal requirements.

Adopted Ordinance 3930 (2004),

33.1406 Posting Requirements – Penalty for Non-Compliance – Documents Available for Public Review.

(a) Upon completion of the Routine Inspection, the health official shall post at every food establishment the Letter Grade Card, so as to be clearly visible to the general public and to patrons entering the food establishment. "Clearly visible to the general public and to patrons" shall mean:

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(1) Posted in the front window of the food establishment within five (5) feet of the front door;

(2) Posted in a display case mounted on the outside front wall of the food establishment within five (5) feet of the front door; or

(3) Posted in a location approved by the health official to ensure proper notice to the general public and to patrons.

(b) In the event that a food establishment is operated in the same building or space as a separately licensed or permitted business, or in the event that a food establishment shares a common patron entrance with a separately licensed or permitted business, or in the event of both, the health official shall post the Letter Grade Card, in the initial patron contact area, or in a location approved by the health official.

(c) The Letter Grade Card shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food establishment unless the Letter Grade Card is posted. Removal of the Letter Grade Card is a violation of this Chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in section 33.0112 of this Code.

(d) The OIR upon which the Letter Grade Card is based shall be maintained at the food establishment and shall be available to the general public and to patrons for review upon request. The food establishment shall keep the OIR until such time as the health official completes the next Routine Inspection of the food establishment and issues a new OIR.

Adopted Ordinance 3930 (2004),

33.1407 Letter Grade Card – Period of Validity.

A Letter Grade Card shall remain valid until the health official completes the next Routine Inspection of the food establishment. A re-score inspection is a complete Routine Inspection that may be required of (as provided in subsection 33.1403(c)), or requested by, the food establishment.

(a) A re-score inspection shall be conducted by the health official following the filing of a re-score inspection request form. In accordance with the Code, Schedule of Fees, the re-score inspection fee must be paid by the food establishment upon demand by the health official.

(b) At the conclusion of the re-score inspection of the food establishment the Letter Grade Card shall be issued based upon the scoring method set forth in this Chapter resulting from the OIR.

(c) A requested re-score inspection is separate and independent of all re-inspections of critical violations as determined by the health official.

Adopted Ordinance 3930 (2004),

FOOD AND SANITATION

DIVISION 4. FOOD AND SANITATION

Chapters:

- 1. Repealed by Ordinance 3105**
- 2. Repealed by Ordinance 3105**
- 3. Hospitals -- Rest Homes**
- 4. Repealed by Ordinance 3105**
- 5. Administration**
- 6. Repealed by Ordinance 3105**

Chapter 1. Repealed by Ordinance 3105.

Chapter 2. Repealed by Ordinance 3105.

HOSPITALS – REST HOMES

Chapter 3

HOSPITALS - REST HOMES

Sections:

- 34.031 Definitions.
- 34.032 Sleeping Quarters.
- 34.033 Isolation Room.
- 34.034 Patients' Utensils.
- 34.035 Toilets.
- 34.036 Sanitation of Rooms.
- 34.037 Protection or Heaters.
- 34.038 Screens.
- 34.039 Linen and Bedding.
- 34.0310 Kitchens.
- 34.0311 Employees' Quarters.

34.031 Definitions.

"Hospital" as used in this chapter shall mean any institution, place, building, or agency which maintains and operates facilities for one or more persons for the diagnosis, care and treatment of human illness, to which persons may be admitted for overnight stay or longer. Hospital includes sanitarium, nursing home, convalescent home, or mental institution.

"Rest Home" as used in this chapter shall mean any institution, place, building, or agency maintaining facilities for the board and care of one or more ambulatory persons who do not require nursing service or medical supervision. A "Rest Home" does not include a hotel, boarding house, guest ranch or other similar type establishments which are licensed under this Code as public eating places.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.032 Sleeping Quarters.

No person shall be kept, cared for, or maintained as a patient in any room or ward of any hospital or rest home which provides less than one-hundred (100) square feet for single rooms or seventy (70) square feet per person for multipatient rooms. All beds shall be spaced not less than three (3) feet apart except that beds used by tuberculosis patients shall be not less than four (4) feet apart. Where a solid barrier at least six (6) feet high is provided between beds, the distance between beds outlined herein shall not be required.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.033 Isolation Room.

Every such hospital, sanitarium, rest home or asylum wherein ten (10) or more patients are housed shall be equipped with a separate room or space for isolation purposes, which shall be equipped with a separate toilet and bath.

HOSPITALS – REST HOMES

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.034 Patients' Utensils.

All bed pans, urinals, and other utensils used for patients or inmates shall be free from cracks or chips. They shall be properly cleansed and sterilized immediately after use.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.035 Toilets.

Toilet and utility rooms shall be provided for all bed patients. Where ten (10) or more ambulatory patients or inmates are cared for or housed there shall be provided at least one (1) toilet, two (2) lavatories, and two (2) baths or showers for each ten (10), or fractional part thereof, patients of each sex. All toilet rooms, lavatories, baths and showers shall be maintained free from any accumulation of dirt, filth, or corrosion.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.036 Sanitation of Rooms.

All walls, floors, ceilings, woodwork, curtains and furnishings shall be maintained in a good, clean, sanitary condition, free from the accumulation of dirt and filth, and every room shall be provided with adequate ventilation, lighting, and heat.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.037 Protection of Heaters.

A barrier or other protection shall be placed around each stove or fireplace, and gas space heaters shall be connected to the supply line with a continuous metal pipe, and shall be properly and effectively vented to the outside air.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.038 Screens.

All windows and doors shall be screened and maintained in good conditions so as to exclude flies and other insects.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.039 Linen and Bedding.

There shall be maintained an adequate amount of bedding, linen, hand and bath towels, in good clean condition, and each bed shall be supplied with good springs and a clean, comfortable mattress, and all beds and mattresses shall be kept in a sanitary condition and shall be thoroughly cleaned before being used by another person.

HOSPITALS – REST HOMES

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.0310 Kitchens.

Every kitchen shall comply with the provisions of the California Restaurant Act and the provisions of Sections 34.021, 34.023, 34.024, 34.028, 34.0212 and 34.0213 hereof, and for the purpose of such provisions shall be a public eating place.

(a) TOILETS FOR KITCHEN WORKERS. Every kitchen shall have a convenient toilet or toilet rooms in connection therewith but separate and apart therefrom. Lavatories and wash rooms shall be adjacent to toilet room and shall be maintained in a clean and sanitary condition. All operators, employees and all persons who handle food, before beginning work shall be provided with clean garments, and immediately after visiting a toilet shall wash their hands and arms thoroughly with soap and water.

(b) DRUGS IN KITCHEN. No drugs, medicines, or poisonous insecticides shall be kept in the kitchen.

(c) KITCHEN WORKERS. No owner or employer shall require, permit or suffer any person to work nor shall any person work in a kitchen where food is prepared, served, kept, handled or stored, who is afflicted with any infectious or contagious disease.

(d) GARBAGE. All garbage and kitchen wastes must be kept in a tight, flyproof, metal container, and removed from the premises and disposed of in a sanitary manner at reasonably frequent intervals.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.0311 Employees' Quarters.

Employees' quarters, where provided, shall be constructed and maintained in compliance with the Labor Code of the State of California.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

Chapter 4. Repealed by Ordinance 3105 (1986).

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Chapter 5

ADMINISTRATION

Sections:

- 34.051 Penalty.
- 34.052 Enforcement by Health Department.

34.051 Penalty.

Any person, firm, association, society, or corporation violating any of the provisions of this division shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding three hundred dollars (\$300), or by imprisonment in the County Jail not exceeding three (3) months, or by both such fine or imprisonment. Each separate day or any portion thereof during which any violation occurs or continues shall constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

34.052 Enforcement by Health Department.

All provisions of Division I and Division 11 of this Code shall be enforced by the Health Department unless otherwise provided.

Adopted Ordinance #527 (1958); Renumbered and restated Ordinance #3105 (1986);

Chapter 6. Repealed by Ordinance 3105.

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DIVISION 5. Monitoring, Control and Elimination of Pollutants into the Storm Drainage System.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

Chapter 1

Pollutant Discharge Elimination System Regulations

Sections:

- 35.0101 Authority
- 35.0102 Purpose
- 35.0103 Definitions
- 35.0104 Severability
- 35.0105 Conflict
- 35.0106 County's Right to Revision
- 35.0107 Administration
- 35.0108 Notice
- 35.0109 Connections
- 35.0110 Protection of the Storm Drain System
- 35.0111 Prohibited Discharges
- 35.0112 Exceptions to the Prohibited Discharges
- 35.0113 Notification of Intent and Compliance with General Permits
- 35.0114 Spill Containment
- 35.0115 Prevention of Accidental Discharges
- 35.0116 Notification of Accidental Discharge
- 35.0117 Authority to Inspect
- 35.0118 Commercial Requirements
- 35.0119 Specific Prohibitions
- 35.0120 Non-Storm Water Discharges
- 35.0121 Permits Required
- 35.0122 Notice of Violation
- 35.0123 Violations Deemed a Public Nuisance
- 35.0124 Falsifying Information
- 35.0125 Administrative Hearing
- 35.0126 Administrative Orders
- 35.0127 Legal Action
- 35.0128 Civil Penalties
- 35.0129 Criminal Penalties
- 35.0130 Compensation for Damages
- 35.0131 Appeals
- 35.0132 Notice to Remediate

35.0101 Authority

This chapter is enacted pursuant to authority conferred to the County under its police powers and by the Federal Clean Water Act (33 USC 1251 et seq.)

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

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35.0102 Purpose

The purpose of this chapter is to promote the health, safety and general welfare of inhabitants of the County by controlling discharges into the Storm Drain System.

This will be accomplished by eliminating all non-permitted discharges to the Storm Drain System, controlling the discharge to the Storm Drain System from spills, dumping or disposal of materials other than storm water, and reducing illegal discharges to the maximum extent practicable.

The intent of this chapter is to protect and enhance the water quality of watercourses, and water bodies, ground water and wetlands in a manner pursuant to and consistent with federal, state and local laws and regulations.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0103 Definitions

(a) "Authorized Representative" shall mean the Director of Transportation/Flood Control Department.

(b) "BMP" shall mean any Best Management Practice, Best Management Guideline, or Best Management requirement as adopted by any Federal, State, regional, or local agency and applicable to Storm Drain System.

(c) "Construction Activity" shall mean any activity as defined by the State Water Resources Board or the Regional Water Quality Control Board, Santa Ana Region, whichever is more restrictive, that necessitates securing an NPDES Permit or NOI.

(d) "County Permit" shall mean any permit issued by the County of San Bernardino.

(e) "General Permit" shall mean any permit issued pursuant to federal regulations, 40 Code of Federal Regulations Parts 122, 123, and 124 relating to discharges of storm water associated with construction activities on five (5) acres and over of total area.

(f) "Illegal Discharge" shall mean any discharge to the Storm Drain System that is not composed entirely of storm water or which contains elements not provided for under Exceptions to the Prohibited Discharges Section 35.0112.

(g) "Illicit Connection" shall mean any connection to the Storm Drain System that is directly or indirectly associated with an illegal discharge except for a connection permitted pursuant to a valid NPDES Permit authorized by written approval of the County.

(h) "NOI" shall mean a Notice of Intent to comply with NPDES general storm water permit.

(i) "NPDES" shall mean the National Pollutant Discharge Elimination System.

(j) "NPDES Permit" shall mean any permit issued pursuant to the NPDES program under the Federal Clean Water Act.

(k) "Non-Storm Water" shall mean any water not associated with storm runoff and that originates on or traverses any property.

(l) "Receiving Water" shall mean all waters of the United States and tributaries of waters of the United States that are used for recreational or other purposes; from which fish or shell fish are taken; or which are used for industrial purposes of industries in interstate commerce.

(m) "Storm Drain System" shall mean all of the property interests owned or leased by the County and used directly or indirectly in the collection, conveyance, storage or disposal of storm water and including but not limited to conduits, natural or artificial drains, channels, basins and watercourses, together with appurtenances, pumping stations and equipment.

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(n) "Storm Water Pollution Prevention Plan" shall mean the plan as described in the General Construction Activity Storm Water Permit as issued by the State Water Resources Control Board on August 20, 1992 and as may be amended.

(o) "Swimming Pool" is any body of water created by artificial means designed or used for swimming, immersion or therapeutic purposes.

(p) "User(s)" shall mean any person or entity who discharges into the Storm Drain System.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0104 Severability

If any provision, paragraph, word, or section of this Division 5 is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, or sections shall not be affected and shall continue in full force and effect.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0105 Conflict

All other provisions of the San Bernardino County Code inconsistent or conflicting with any part of this chapter are hereby superseded for the purposes of this chapter to the extent of such inconsistency or conflict.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0106 County's Right of Revision.

The San Bernardino County Board of Supervisors may establish by ordinance more stringent limitations and requirements related to discharges into the Storm Drain System if deemed necessary.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0107 Administration

Except as otherwise provided herein, the authorized representative for the County of San Bernardino shall administer, implement and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized representative may be delegated in writing by the authorized representative to persons acting in the beneficial interest of or in the employ of the County of San Bernardino.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

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35.0108 Notice

Unless otherwise provided herein, any notice required to be given by or to the authorized representative under this chapter shall be in writing and served in person or by first class or registered or certified mail. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0109 Connections

The discharge or diversion of non-storm water is permissible only when connection to the Storm Drain System is made in accordance with a valid County Permit, approved construction plan, or an NPDES permit and/or an NOI, and the discharge conforms to the standards of section 35.0112.

It is prohibited to establish, use, maintain and/or continue any illicit connections. This prohibition applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

Permits are required for the construction or modification of any storm drain or conveyor of drainage waters or appurtenant items within:

- (a) Dedicated public easements, right-of-way, or public place and/or facility;
- (b) Private property so as it may directly or indirectly discharge into the Storm Drain System. Indirect discharges include, but are not necessarily limited to, under sidewalk drains, driveway approaches, and unrestricted sheet flow.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0110 Protection of the Storm Drain System

Without prior written approval of the authorized representative, no person shall construct or modify or cause to be constructed or modified any structure, facility, or appurtenant items which may alter the normal functioning of the storm drain system, including actions which may alter the capacity, fall, or structural integrity of the storm drain, channel, or related structures.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0111 Prohibited Discharges

It is prohibited to:

(a) Discharge directly or indirectly into the storm drain system any storm water or other solid, liquid or gaseous matter in violation of any law, rule, regulation, permit, order or other requirement of any federal, state, county, municipal or other governmental entity or agency.

(b) Discharge non-storm water directly or indirectly to the storm drain system or any street or lined or unlined drainage ditch which leads to a public storm drain, unless such discharge is permitted by an NPDES Permit or a County Permit. If such discharge is permitted by a NPDES Permit, but caused the County to violate any portions of its NPDES Permit for storm water discharges, such discharge is also prohibited.

(c) Throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned

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objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business, place, or upon any public or private lot of land in the unincorporated area of the County, so that the same might be or become an illegal discharge.

(d) Throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the unincorporated area of the County.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0112 Exceptions to the Prohibited Discharges

The following discharge are exempt from the Prohibited Discharges listed in section 35.0111:

(a) Waterline flushing and other discharges from potable water sources, provided that the chlorine residual in any heavily chlorinated water used to disinfect water storage facilities or water mains is thoroughly dechlorinated prior to contacting receiving waters.

(b) Landscape irrigation, lawn watering, and irrigation water;

(c) Diverted stream flows, rising ground water, infiltration of separate storm drains, springs, flows from riparian habitats and wetlands;

(d) Uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation;

(e) Individual residential car washing, dechlorinated swimming pool discharges; and

(f) Flows from fire fighting.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0113 Notification of Intent and Compliance with General Permits.

Any user required to obtain a general permit shall file an NOI and obtain such general permit and comply with all conditions set forth therein.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0114 Spill Containment

Spill containment systems, as may be required, shall conform to requirements established by the authorized representative. No person shall operate a spill containment system that allows incompatible liquid to mix, thereby creating hazardous or toxic substances in the event of failure of one or more containers.

Spill containment systems shall consist of a system of dikes, walls, barriers, berms, or other devices designed to contain spillage of the liquid contents of containers. Spill containment systems shall be constructed of impermeable and non-reactive materials to the liquids being contained.

Spilled or leaked waste and accumulated precipitation shall be removed from the spill containment system in a timely a manner as is necessary to prevent overflow of the collection system. Unless otherwise approved in writing by the authorized representative, all chemicals or wastes discharged within the collection area shall be disposed of in accordance with all applicable federal, state and local laws and regulations and not discharged to the public sewer, the storm drain system, or the ground.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

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35.0115 Prevention of Accidental Discharges

Protection of the Storm Drain System from accidental discharge of prohibited material is the responsibility of the person or persons in charge of such material. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the County for review, and shall be approved by the authorized representative prior to any construction. All users shall complete such a plan. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

33.0116 Notification of Accidental Discharge

A notice shall be permanently posted in a conspicuous place where notices to employees are customarily posted, advising employees whom to contact in the event of an accidental discharge. Employers shall ensure that all employees are advised of the emergency notification procedures.

In the event of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the County and applicable federal and state offices.

Within five (5) working days following an accidental discharge to the storm drain system, the person or persons in charge of the material accidentally discharged shall submit a written report to the authorized representative. The report shall describe in detail the type, volume and cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences.

Such notification shall not relieve the user of any fines or civil penalties incurred as a result of such event, or any other liability which may be imposed by this chapter or other applicable laws.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

33.0117 Authority to Inspect

The authorized representative shall be authorized, with consent of the owner/occupant or with a warrant obtained pursuant to Code of Civil Procedure section 1822.50 et seq., to enter and inspect the premises of any user of the storm drain system to determine compliance with the provisions of this chapter.

If such entry is refused or cannot be obtained, the authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspection of the premises, including a search warrant obtained pursuant to Code of Civil Procedure section 1822.50 et seq.

Such inspections may include:

(a) Conduct inspection, sampling, monitoring, and/or other authorized duties to enforce the provisions of this chapter.

(b) Review any records, reports, test results or other information required to enforce the provisions of this chapter. Such review may include the necessity to photograph, videotape, or copy any applicable information; and,

(c) Inspect any wastes, chemicals, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations. Such inspection may include the necessity to photograph or videotape any applicable wastes, chemicals, storage areas, storage containers, waste generating processes, treatment

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facilities, and discharge locations.

Adequate identification shall be provided by the authorized representative or designated representative, when entering the premises of any user.

If the authorized representative has reasonable cause to believe that non-storm water discharge conditions on or emanating from the premises are so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, the authorized representative shall have the right to immediately enter and inspect the property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained.

Where a user has instituted security measures requiring proper identification and clearance before entry onto the premises, the user shall make all necessary arrangements with its security guards in order that, upon presentation of such identification, duly designated County personnel shall be permitted to enter the premises without delay for the purpose of performing their authorized duties. For facilities which require special clearances to conduct inspections, it shall be the responsibility of the user to obtain all necessary clearances on behalf of the County so that County inspections are not impaired.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

33.0118 Commercial Requirements

Persons owning or operating a parking lot, gas station or similar business shall maintain the business premise in a manner that does not result in illegal discharges to the storm drain system.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

33.0119 Special Prohibitions

By adoption of industrial activity storm water regulations or by the issuance of industrial activity storm water permits, or both, the authorized representative may impose reasonable limitations as to the quality of storm water (including without limitations the designation of maximum levels of non-storm water contents) discharged directly or indirectly into the storm drain system from sites of industrial activity

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

33.0120 Non-Storm Water Discharges

The following non-storm water discharges are allowed under a general construction permit o long as they comply with BMP as described in the Storm Water Pollution Prevention Plan (SWPPP) and they do not cause or contribute to violation of any water quality standard or federal, state or local law or regulation.

- (a) Discharges from fire fighting.
- (b) Fire hydrant flushing.
- (c) Potable water sources including dechlorinated water line flushing.
- (d) Uncontaminated groundwater resulting from dewatering activities.
- (e) Foundation or footing drains where the flows are not contaminated with process materials.
- (f) Natural occurring water such as springs, wetlands and riparian habitat.

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(g) Irrigation water discharged during seeding, planting, and maintenance, provided fertilizer and pesticides are applied correctly.

(h) Pavement wash waters for dust control and general housekeeping practices provided spills or leaks or toxic or hazardous materials have not occurred and where detergents are not used.

(i) Individual car washing.

(j) Air conditioning condensation.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0121 Permits Required

Any individual or entity wishing to engage in construction activity shall comply with section 35.0113, and provide evidence of compliance prior to obtaining any County issued grading or construction permits.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0122 Notice of Violation

Whenever the authorized representative finds that any user has violated or is violating any provision of this chapter, a NPDES Permit or County Permit, the authorized representative may serve upon such person a written notice stating the nature of the violation and stating the penalties for continued non-compliance.

If required in the notice, the user shall submit to the authorized representative, within a prescribed period specified in the notice, which period shall not be less than ten (10) working days unless an emergency situation dictates a shorter period, a plan indicating the cause of the violation, corrective actions which will be taken to prevent recurrence and, if required, a proposed compliance schedule indicating the dates those corrective actions will be completed.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0123 Violations Deeded a Public Nuisance

Any violation of this chapter which results in a threat to public health, safety and welfare is a public nuisance. Such public nuisance may be summarily abated an/or remediated by the authorized representative in any manner permitted by law.

The cost of such abatement or remediation shall be borne by the owner of the property or user causing the violation.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0124 Falsifying Information

Any person who knowingly makes any false statement, representation, record, report, plan, or other document filed with the County or who falsifies, tampers with, or knowingly renders inaccurate monitoring devices or methods required under this chapter, shall have violated this chapter.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

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35.0125 Administrative Hearing

Any user may request in writing from the authorized representative within ten (10) days from the issuance of a notice of violation pursuant to section 35.0122 or an administrative order pursuant to section 35.0126, or the authorized representative may order, an administrative hearing, at which a user who causes or allows or who has caused or allowed a violation of this chapter to occur shall show cause why a proposed enforcement action should not be taken. An administrative hearing officer who is a County employee not directly involved in enforcement of this chapter shall preside over the administrative hearing, at which each party, including the user and the authorized representative, shall have the right to present evidence.

A notice shall be served on the user specifying the time and place of the hearing regarding the violation, the reasons why the action is to be taken and proposed enforcement action, directing the user to show cause before the hearing officer why proposed enforcement action should not be taken. The notice of hearing shall be served in the manner provided in section 35.0108, at least ten (10) working days before the hearing. Service may be made on any agent or officer of the user.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0126 Administrative Orders

The authorized representative may require compliance with this chapter or NPDES Permit or County Permit by issuing written administrative orders. Administrative orders may include stop work orders, cease and desist orders, termination of service orders and immediate termination of service orders.

(a) Stop Work Order - the authorized representative may serve a written stop work order on any person engaged in doing or causing to be done new construction, tenant improvements, alterations or additions, if:

(1) A County Permit is required and no permit has been granted by the County;

(2) Work has begun without necessary prior written approval by the authorized representative; or,

(3) Violations of this chapter are found at the site of the new construction, tenant improvements, alterations or additions.

Any person served a stop work order shall stop such work forthwith until written authorization to continue is received from the authorized representative.

(b) Cease and Desist Order - when the authorized representative finds that any industrial/commercial user has violated or threatens to violate any provisions of this chapter or NPDES Permit or County Permit the authorized representative may issue a cease and desist order directing the user to:

(1) Comply immediately; or

(2) Comply in accordance with a time schedule specified in the cease and desist order.

A cease and desist order may include modifications in the frequency of monitoring, testing or submission of self-monitoring reports.

(c) Termination of Service - when the authorized representative finds any industrial/commercial user has violated an administrative order, the authorized representative may terminate storm drain service to the user. The user shall be liable for all costs for termination of storm drain service incurred by the user and the County. Storm drain service shall be re-instituted by the authorized representative after the user has complied with all the provisions of the administrative order. The user shall also be

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liable for all costs for re-instituting storm drain service.

(d) Immediate Termination of Service - the authorized representative may immediately suspend storm drain service and any County Permit when such suspension is necessary, in the opinion of the authorized representative, to stop an actual or threatened discharge which presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or which significantly causes pollution to the receiving waters, ground water and natural water courses of the County. Any industrial/commercial user notified that storm drain service NPDES Permit or County Permit has been suspended shall immediately stop and eliminate the applicable discharges to the storm drain system.

In the event of failure to comply voluntarily with the suspension order, the authorized representative shall take steps as deemed necessary, including immediate severance of storm drain connections. The industrial/commercial user shall be liable for all costs incurred by the County in terminating storm drain service. Storm drain service may be re-instituted by the authorized representative after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the industrial/commercial user, describing the cause of the harmful discharge and the measures to prevent any future occurrence shall be submitted to the authorized representative within fifteen (15) working days of the date of storm drain service termination.

The authorized representative may adopt a proposed compliance schedule submitted by the user, or may adopt a revised compliance schedule if, in the judgment of the authorized representative, the compliance schedule submitted by the user would allow the user to cause harm to the receiving waters and/or county storm drain system.

The authorized representative will notify the user of the adopted compliance schedule in a timely manner. The authorized representative shall not adopt a compliance schedule which does not comply with the applicable federal guidelines.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0127 Legal Action

(a) If any person violates the provisions of this chapter, federal or state NPDES Permit, County Permit requirement or any order of the County, the County may commence an action for appropriate legal, equitable or injunctive relief in the courts of the County.

(b) In addition to the penalties provided in this chapter, the authorized representative may recover all reasonable attorney fees, court costs, court reporters' fees and other expenses of litigation against the person(s) found to have violated any of the provisions of this chapter, NPDES Permit, County Permit or the orders, rules, regulations and permits issued thereunder.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0128 Civil Penalties

The industrial/commercial user may be fined a sum not to exceed two thousand five hundred dollars (\$2,500) for each offense.

Each violation shall be considered a separate and distinct offense, and each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this article, the County may recover all

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reasonable attorney's fees, court costs, court reporters' fee and other expenses of litigation against the person found to have violated this chapter, NPDES Permit, County Permit, or the orders, rules, regulations and permits issued under this chapter.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0129 Criminal Penalties

(a) Any person who willfully violates any provision of this chapter or any permit condition; who knowingly violates any stop work order, cease and desist order, termination or immediate termination order, prohibition or effluent limitation; who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or NPDES Permit; or who falsifies, tampers with or knowingly causes inaccuracy in any monitoring device or method required or authorized under this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified.

(b) Each day or portion thereof such violation is in existence shall be a new and separate offense.

(c) any person so convicted shall be:

(1) Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) and not less than fifty dollars (\$50) for a first offense;

(2) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) and not less than one hundred dollars (\$100) for a second offense.

(3) Guilty of a misdemeanor for the third and any additional offenses and punished by a fine not exceeding one thousand dollars (\$1,000) and not less than five hundred dollars (\$500) or six (6) months in jail, or both.

(d) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(e) Payment of any fine or service of a jail sentence shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0130 Compensation for Damages

Any person, entity, or user who, by violation of this chapter, causes any damage to the storm drain system, including the imposition of fines or penalties on the County by federal, state or local regulatory agencies, shall be liable to the County for all such damages, costs, fines, and penalties incurred by the County.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

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35.0131 Appeals

Any decision of the authorized representative or the administrative hearing officer may be appealed to the Board of Supervisors by giving notice, in the manner provided by section 35.0108, to the authorized representative within ten (10) days of receipt of said decision.

The Board of Supervisors may, at its discretion, appoint a county hearing officer pursuant to chapter 27 of Division 2 of Title 1 of the San Bernardino County Code (commencing with section 12.270) to conduct the hearing.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

35.0132 Notice to Remediate

Whenever the authorized representative finds any nonpermitted or prohibited discharge, in or upon any parcel of land, which may result in illegal discharges to the storm drain system, the authorized representative may give notice to remediate such discharge. Any user who receives such a notice shall undertake the remediation activities as described in the notice.

Repealed by Ordinance #3105 (1986); Readopted by Ordinance 3587 (1994);

DIVISION 6. Repealed by Ordinance 3105 (1986)

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DIVISION 7. PUBLIC NUISANCES

Chapters:

1. Public Nuisances

Chapter 1

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Sections:

- 37.011 Purpose.
- 37.012 Definitions.
- 37.013 Notice of Violation.
- 37.014 Authority to Enter Upon Land.
- 37.015 Public Hearing on Notice of Abatement.
- 37.016 Abatement by the Public Officer.
- 37.017 Account and Itemized Report.
- 37.018 Notice of Account and Itemized Report.
- 37.019 Hearing.
- 37.0110 Modification or Confirmation of Report.
- 37.0111 Special Assessment and Lien.
- 37.0112 Collection of Expense.
- 37.0113 Cancellation.

37.011 Purpose.

Notwithstanding any other provision of this Code, whenever there is a condition or use existing on private land and such use or condition is a public nuisance and is a violation of any provision of this Code, the following proceedings may be used as an alternative to any other proceeding or manner of getting abatement set forth in this Code.

Adopted Ordinance #1497 (1969);

37.012 Definitions.

(a) "Public Officer" as used herein shall mean the Administrator of the Environmental Improvement Agency, the County Health Officer, the County Agricultural Commissioner, all of the County of San Bernardino.

(b) "Fenced" or "walled enclosure" shall mean an area completely enclosed by a structure, at least five feet (5') in height, and at which area a person is present at regular business hours as manager or employee.

Adopted Ordinance #1497 (1969); Amended Ordinance #1979 (1975)

37.013 Notice of Violation.

Any party who is the owner or possessor of land upon which is located a public nuisance which is a violation of a provision of this Code may be served with a written notice by the Public Officer to abate such public nuisance and violation. The notice shall demand that such person remedy or abate the public nuisance which is a violation

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within a period of time that may not require results in less than ten (10) days. The notice thereof shall be served personally on such person, or, if he cannot be readily found, shall be served by registered mail (return receipt requested) or, if he cannot be served by mail, then service shall be accomplished by posting such notice on a conspicuous place on the land specified.

Adopted Ordinance #1497 (1969);

37.014 Authority to Enter Upon Land.

The Public Officer, or his assistants, deputies, employees or contracting agents may enter upon the land for posting or serving notice, or, also, for abating any such public nuisance and violation as herein provided.

Adopted Ordinance #1497 (1969);

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37.015 Public Hearing on Notice of Abatement.

Any party served, constructively or personally, may have a public hearing before the Board of Supervisors within eight (8) days of said service, at the next regular meeting of the Board falling within such eight (8) day period. Such hearing shall be to determine if such public nuisance and violation in fact exists. If the Board finds that such public nuisance and violation does not exist, no further proceedings under this chapter shall take place. If the Board finds that such public nuisance and violation does in fact exist, further proceedings shall be followed as provided herein. This hearing and determination by the Board of Supervisors shall be had only if demanded within the eight (8) day period by a party having some interest in the land.

Adopted Ordinance #1497 (1969);

37.016 Abatement by the Public Officer.

If the public nuisance and violation is not abated after ten (10) days after the notice thereof, or after any further period of time as may be allowed by the Board of Supervisors, the Public Officer shall have the same abated.

Adopted Ordinance #1497 (1969);

37.017 Account and Itemized Report.

The Public Officer, in the event that he has the abatement accomplished as provided herein, shall prepare an account of the cost or abatement and shall render an itemized report in writing to the Board of Supervisors showing the total cost of the abatement, including administrative costs necessarily incurred.

Adopted Ordinance #1497 (1969);

37.018 Notice of Account and Itemized Report.

Before the account and itemized report are submitted to the Board of Supervisors, a copy shall be served on the same parties and in the same manner as the notice as provided in Section 37.013.

Adopted Ordinance #1497 (1969);

37.019 Hearing.

Within twenty-two (22) days after the service thereof, any person so served may have a public hearing before the Board of Supervisors at a regular meeting of the Board falling within such period, at which time the Board shall hear any objections to such accounting and report.

Adopted Ordinance #1497 (1969);

37.0110 Modification or Confirmation of Report.

The Board of Supervisors, at a public hearing if one is requested, or at any other regular meeting if no public hearing is requested, shall make any modifications in the account and report as it deems necessary, after which, by order or resolution, the account and report shall be confirmed.

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Adopted Ordinance #1497 (1969);

37.0111 Special Assessment and Lien.

The amounts of the cost for abating the public nuisance and violation from the land, as confirmed, shall constitute a special assessment against that land and a lien.

Adopted Ordinance #1497 (1969);

37.0112 Collection of Expense.

A copy of the report as confirmed shall be turned over to the Auditor, who shall enter the amount of the assessment against the parcel of land as it appears on the current assessment roll. The Tax Collector shall include the amount of the assessment on bills for taxes levied against the lots and parcels or land. Thereafter the amount of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and be subject to the same penalties. On land for which no property tax is due, the lien shall be collected at the same time taxes on the land are collected, and in a similar manner.

Adopted Ordinance #1497 (1969);

37.0113 Cancellation.

All or any portion of any such special assessment, penalty, or cost entered pursuant hereto, shall on order of the Board of Supervisors be cancelled by the Auditor if uncollected, or, except in the case provided for in Subdivision (e) hereof refunded by the County Treasurer if collected, if it or they were entered, charged or paid:

- (a) More than once;
- (b) Through clerical error;
- (c) Through the error or mistake of the Board of Supervisors or the Public Officer in respect to any material fact;
- (d) Illegally;
- (e) On land acquired after the lien date by the State or by any county, city, school district, or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

Adopted Ordinance #1497 (1969);

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DIVISION 8. Repealed by Ordinance 3105 (1986).

VALIDITY OF TITLE 3

DIVISION 9. VALIDITY OF TITLE 3.

This title and the various parts, divisions, chapters, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this title shall not be affected thereby. The County Board of Supervisors hereby declares that it would have passed this title and each part thereof, regardless of the fact that one or more parts hereof be declared unconstitutional or invalid.